

lit. T. 3525

W. Bannister
Gray's Inn

✓ THE
ANNALS
OF
University-College.

PROVING
WILLIAM of DURHAM
THE
TRUE FOUNDER:
And Answering all their
ARGUMENTS
Who Ascribe it to
King ALFRED.

By WILLIAM SMITH,
Rector of *Melfonby*, and above Twelve Years
Senior Fellow of that SOCIETY.

*Ita divina providentia comparatum est, ut semper
insignia mendacia, insignes etiam redargutiones
excipiant.*
Ex Epist. Histor. Theodorici A Niem annexa. p. 539.

NEWCASTLE upon TYNE:
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at London; the former of a greater size and
corrected in the margin.*

THE

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MONACENSIS

University College

of London

WILLIAM OF DURHAM

THE

TRUTH FOUND

And Answering all their

ARGUMENTS

Who Ascribe it to

King ALFRED

By WILLIAM SMITH

Reader of the Law, and of the Faculty of

Divinity of that Society.

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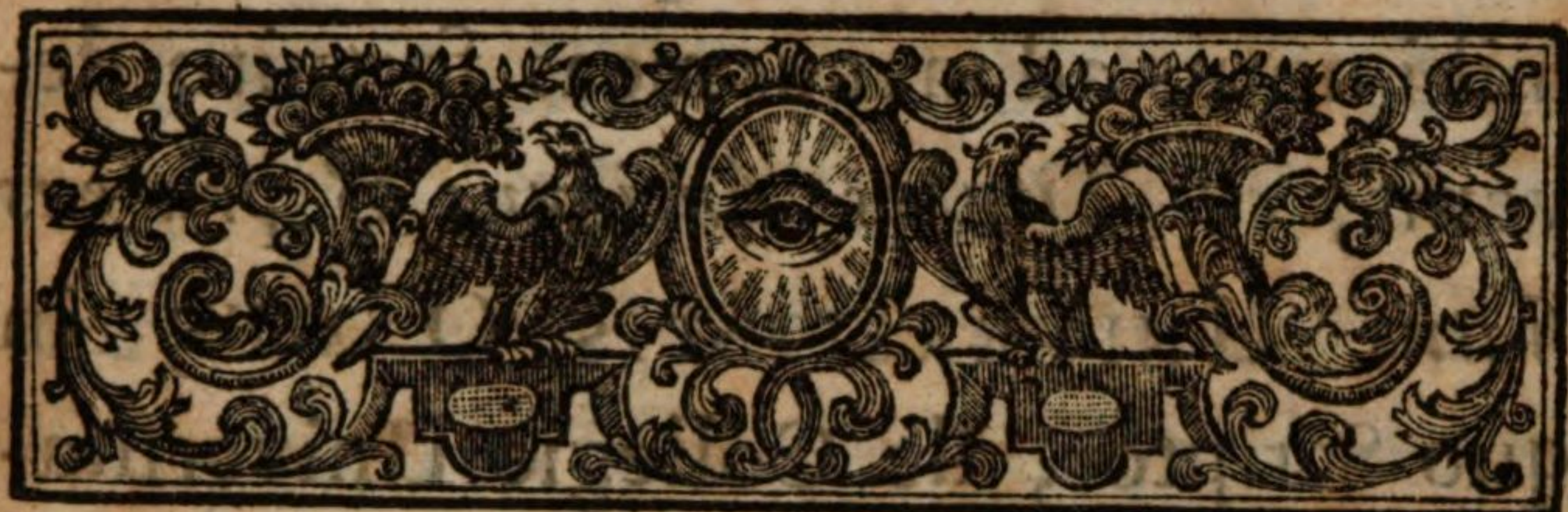
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CANCELLARIO,
Magistris, & Scholaribus,
UNIVERSITATIS OXON,
Salutem.

CUM Jura vestra (vobis in-
 fciis,) in Curiis forensibus
 litigari audiverim, ne Aca-
 demix privilegia malis ar-
 tibus obruerentur, operæ pretium
 mihi visum est, Quæstiones quasdam
 paulo diligentius excutere, discussas-
 que venerabili domui vestræ inscribere.

Hæc meditati Liber quidam nec fama mihi notus ad manus meas fortuito devenit, cui *Titulus Antiquus & præsens status UNIVERSITATIS OXON*; in quo Scriptor, de Collegio Universitatis agens *Alfredum* Magnum ejusdem Fundatorem posuit, neque *Willielmum de Dunelmia* Restauratoris nomine dignatus est; aliisque in rebus longe a veritate aberravit, non sponte aut ingenio suo, (nisi multum fallar,) ductus, sed circumventus & delusus *informatione* viri cujusdam Reverendi, mihi *intus & in cute* noti, ambitiosi superbi, & ex arbitrio suo quantum potuit, regimen Collegii, cui præfuit, illicite administrantis, falsum Fundatorem agnoscendo, antiqua veraq; Statuta despiciendo, nova & iniqua pro viribus statuendo, quæ omnia in calce hujus Tractatus pluribus exemplis comprobantur.

IN-

Dedicatio.

V

INTEREA mirandum mihi videtur, Antecessores nostros, tam Magistros, quam Socios iniquis artibus tam diu usos fuisse, unde nihil utilitatis, multum vero infamiae Collegio nostro accidisse manifeste liquet. Sed criminaciones hic loci missas facio, & ad Quæstiones prius memoratas confestim redeo.

QUARUM prima de fundatione Aulae Universitatis, (non ita pridem, Magna Aula Universitatis, vulgariter nuncupatae) tractabit; indubiusq; evincet argumentis Magistrum *Willielmum de Dunelmia*, primum, verum, unicunque ejusdem Fundatorem fuisse. Altera versabitur in *Alfredi* Magni munificentia investiganda; nempe an Rex ille doctus & pius, & eruditionis fautor insignis, Aulas aliquas *Oxoniae*

fundaverit, salaria Scholaribus ex Scaccario solvenda decreverit, eaque usq; ad adventum *Normannorum* continuo duraveritⁿ. Hæc autem omnia licet vera esse concederentur, nullo modo inde sequeretur *Alfredum* Regem hujus Collegii fundatorem fuisse; de Ædificiis vero istis *Oxonie* positis, aut Salaris solutis, nihil quicquam apud Antiquissimos Historicos vel auditum vel scriptum legitur: Nova sunt hæc omnia, nec ante annum a morte *Alfredi* quadringentesimum ficta vel propagata fuerunt; Quæq; narrantur de Privilegiis per eundem Regem a Pontifice Romano impetratis, & Studio Oxoniensi concessis, tandemq; longo temporis intervallo demortuis, mera sunt somnia; luduntq; operam qui talia fabulantur, hasq; nugas tanquam fide dignas orbi obtrudere conati sunt.

AGNOSCO equidem *Antonium* à *Wood* Historicum *Oxoniensem* dolentem queri tam antiqua Pontificum *Romanorum* Indulta, quam Chartas nostrorum *Regum* olim deperdita & amissa fuisse; sed hæc queremonia non solum cassa sed iniqua mihi videtur; utpote quæ hisce rebus minus versatis persuasum vellet aliqua Privilegia *Oxonienſi Studio* donata fuisse, antiquiora illis omnibus quæ in Archivis Universitatis jam reperiri possunt. Sed fallax hæc & falsa sententia (nisi de Autographis ipsis intelligatur) vel inde refutabitur; Quod omnes, & Bullæ *Paparum*, & Chartæ *Regum*, in tres libros *Statutorum*, scilicet *Cancellarii* & duorum *Procuratorum* exscripta sint, ob hanc causam, ut ad manus haberentur, quoties eorum opus esset. Cum ergo Bul-

læ *Romanæ* *Henrico* Octavo, ita re-
quirenti, traditæ erant; exemplaria
eorum omnia in istis codicibus *Tribus*
remanebant, & in Turre Scholarum
adhuc extant. Quod si vero aliquis
fabulari cupit, aut *Oxonium* tempore
Regum *Saxonicorum* Privilegiis confir-
matum fuisse commentatur; quæ cau-
sa erat, cur nec *Saxonice* istæ Chartæ
in *Anglia* reperiantur, nec ex Regi-
stris *Romanis* exemplificentur. Ne-
que enim legimus de ullis Chartis pri-
morum *septem* Regum post Conque-
stum; nam si tales unquam extitif-
sent, non liberum fuisset Academicis
ab una urbe vel villa in alias transmi-
grare, quod contigit *tribus* millibus
Oxonensium, qui, tempore *Johannis*
Regis, propter Scholares quosdam in-
nocentes, injuste ac sine debita inquisi-
tione à Burgensibus capite suspensos,
ad

ad Redingam, Maidstoniam, & (ut aliqui existimant,) Cantabrigiam sese contulerunt. In illo *Ævo* Academici similes videntur *Generosis* illis viris, qui in *Hospitiis*, ut vocantur, *Curiae* degunt, sed in *corpus* aliquod *Politicum* nondum uniuntur. Iniquitati igitur *Burgensium Oxon* primum debetur quod *Studium* illud *Oxonienſe* eis gaudet *privilegiis*, quibus à *Nicolao* Episcopo *Tusculanenſi* *Romani Pontificis* Legato ornatum & munitum erat, A^o Dom, 1214. cujus *Chartæ*, & aliæ quæ ad hanc rem spectant, vetustissimæ sunt in quibus ista *Academia* gloriatur. Et proximæ *Chartæ* Testamentum *Willielmi de Dunelmia* nullo modo anteverunt, nec, (unica excepta data A^o 1252.) antiquiores sunt illis quibus *Universitas* *nummis* prædicti *Willielmi* *Domus* aliquas redemerunt.

Apagē igitur illos *Cantabrigiensium Libros Nigros*, nec non *Higdoni, Bruntonii, Rudburni, Rossiæ*, & aliorum recentiorum deliria; credamus tantum eis quæ fidem merentur; nec cum Pueris delectemur fabulis Antiquis novis^{ve}.

OXONIUM inter veterrimas *Academias* diu floruisse, extra omne dubium situm est, antiquasq; consuetudines ultra memoriam hominum, forsā à *Parisiensibus* primò mutuatas, pro Statutis habuisse; nova verò ante annum 1229. vix reperiri possunt, (uno vel altero excepto) Etsi plura, fere passim, postea occurrunt. Sed de his uberius dicendi locus posterius dabitur. Hoc gloriæ Universitati erit, quod in *Archivis* suis vix unica Charta spuria se legendam offert, & quæ se offert, contra Jura Universitatis conficta fuit, &

& longo post tempore ab amico aliquo inter *cimelia* ibi reposita: Ficta fuit per *Conventum Sanctæ Frideswidæ*, cuius Registra, non minus quam Thesaurarium Collegii Universitatis, talibus commentis scatet, ut posterius ostendetur. Sed ne porticus ipso ædificio amplior extendatur, contentus vos hisce paucis præmonitos reddidisse finem faciam; postquam hoc prius publice professus fuerim, me multis nominibus Matri Academiae devinctum esse, idq; præcipue, quod, ex gratia speciali paucissimis concessa, Claves Archivorum vestrorum per multos annos mihi mutuo datæ & concreditæ fuerunt. Hoc igitur, quantulumcunq; sit opusculum, pietatis & veritatis ergo prolatum, (quasi granum è vestro acervo depromptum, ideoq; vobis retribuendum,) benigne accipite; nec
hanc

hanc Reipublic Vestrae literariae De-
fensionem, (quæ in veritatis investiga-
tione potissimum versatur,) rudem li-
cet & festinatam dedignemini.

Ita vos rogat

Datum apud *Melfon-*
by, xv Kalend. De-
cembris A^o Dni.
MDCCXXVII.

Servus Vester humillimus

GUIL. SMITHIUS.





THE
PREFACE
TO THE
READER.



T may seem a Wonder both to those that know me, and those that know me not, that a Person who has lived in Privacy and Obscurity to the 77th Year of his Age, and is so bowed down by Infirmities, as not to have Feet to walk on,
or

or hardly an Hand to write, should begin now, at this Age, and under these bad Circumstances, to trouble the World with any Thing that can proceed from such Weaknesses: But the Scripture informs us, that there are some Sort of Sins, That will make the Stones cry out of the
Hab. ii. 11. Wall, and the Beam out of the Timber answer it, before they shall lye hid, or remain undiscovered. And this is much my Case, I have long known, and long kept silent many dishonourable Actions in the Place where I had my Education, in hopes of Amendment and Redress, which I endeavoured to effect all I could, whilst I was in that Society, or at least to stop their Increase to any greater Height than where I found them; but this Endeavour at last, instead of Friends, got me Enemies, before I removed from the COLLEGE. And it was not long after, 'till Dr. Charlet shewed the true Reason, why he was now willing to want my Company, who had so often own'd to me, that I never gave him Advice on the one Side, nor opposed him on the other; but that he found in the Issue, I was always in the Right. And tho' it's like he remember'd this, yet it was not always to his good-liking: For having several
Times

The PREFACE. xv

Times informed Him, that King Alfred was none of our Founder, that it was only feigned to serve a Turn; and that the COLLEGE it self had truly sprung up, from those few Seeds that William of Durham had planted in the UNIVERSITY: He seemed to be convinced of the Truth, but yet (which is more than I then suspected) he was so far from loving of Truth, that he absolutely hated it; and not only loved, but invented many Lyes, some tending to promote his Vanity, others to advance his Power. And tho', (I have said) I was long silent, and unwilling to publish several Things to the Dishonour of our Predecessors; yet had I ever seen or heard of those most abominable Untruths, (which I never heard of 'till lately, tho' the Book has been long publish'd) brought into the World by Dr. Ayliff's Hand, (but undoubtedly produced by Dr. Charlet's deceitful Head) the Author of them should have heard of it with both his Ears, as well for wronging the Founder of the COLLEGE, as for belying those Statutes which the UNIVERSITY made, in pursuance of William of Durham's Directions; and relating several Matters to be found in the Book fore-quoted, p. 258; which were not only
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merely fictitious, but opposite to those Truths, which I my self was present at, and Actor in.

*NOW what I would have done almost twenty Years ago, had I been earlier informed of the Necessity of it; the forementioned Doctor's Death, and the Dissention in that COLLEGE there-upon, have forced me, even whether I would or no, to declare against those two great Falshoods that were set up by the one Party against the other: It was the Interest of the one to make the Chancellor, Doctors, and Proctors, the true Visitors; and the other despairing, as he might well think, of obtaining Justice at their Hands, in his Case, sought out some other Means to find a Visitor Abroad; whilst the Convocation, in whom the true and undoubted Right was, seems either forgotten, or neglected at Home: So that whatever comes of this Cause at last, both Sides have engaged their Hands in bringing on the Loss that has, or shall happen to themselves, besides the Damage that has all this Time happened to the COLLEGE it self. I doubt not but what has been said will appear a sufficient Reason of my intermeddling, (so far as I have done, in this Affair;) urged to it by
the*

The PREFACE. xvii

the pressing Necessity of the Discharge of a good Conscience, as a Lover, and as far as lies in my Power, a Protector of the Truth from the violent Attackers and Oppressors of it.

Mr. Wm. Denison and Mr. Cockman were both, when I left the COLLEGE, Persons of very good repute, and I was a common Friend to them both; and when I heard of the Dispute likely to happen about the Mastership, for which they were Candidates, I by a third Person advised Mr. Cockman not to engage himself in that Contention, farther than his Party would be at the Expence of it, or Words I intended to that Effect: And when I heard of the Appeal, I gave the like Counsel to Mr. Denison, to plead that the Convocation were the superior Visitors, and the Chancellor, Doctors, and Proctors, but a standing Delegacy, from whom there would lie an Appeal to the Convocation. But he had been so prepossess'd, and poysoned by Dr. Charlet's fraudulent Pretences, published by Dr. Ayliffe, that he trod in Dr. Charlet's Steps, 'till the other Party took advantage of it; and said, That several Persons could not prescribe to one and the same Power,

b

and

xviii The PREFACE.

and therefore neither could legally Claim to be Visitors. So much Mischief generally happens to every Cause that is not truly and justly stated.

HAVING premised how far I was a Friend to them both, had they not proved such false Friends to themselves, to the vast Expence and Disgrace of a five Years Suit, and not yet come within Sight or Prospect of an End of it; and that I have not been concerned on either Side, further than Justice and Equity obliged me. It will be at last expected, that I acquaint the Reader, how I came by that Knowledge, which I seem to charge Others of being Ignorant of, or misusing the Knowledge they had, to bad and irregular Designs.

IT would be too long to acquaint the World how our Treasury was reduced into that sad Condition, which Mr. Obadiah Walker left it in; who being more a Scholar than a Politician, got the Consent of the Fellows to alter the former Station it was left in by Dr. Tho. Walker, a Person never to be named by the Fellows of that COLLEGE, without his due Commendations;

The PREFACE xix

mendations ; who had not only disposed all the Muniments into their proper Order, but has left more therein of his own Writings and Observations, than all the Masters that ever went before, or that ever since succeeded him. Now what moved his Name-sake (but neither Kinsman nor Country-Man) to displace the Records out of the Method he had left them in, I know not ; but so it happened, that Mr. Obadiah Walker's Project did not only put them all into Confusion, but such a Confusion, as was not to be endured : For he caused a Frame of Wood to be made, and divided like large Pigeon-holes, to sever these Writings into, but so, as most of them could not be come at without a Ladder ; and having their Fronts open, and nothing to preserve them from the Dust rising daily out of the Street, it became Necessary to place them where they had been, and dispose them into their Ancient, or like Order.

NOW at that Time there was hardly any Fellow, save one, that was acquainted with reading old Hands, or ancient Writings ; and this Person kindly offering his own Labour, upon Condition the COLLEGE would be at the

XX The PREFACE.

Charge of an Amanuensis, it was unanimously agreed to: And this Gentleman chose a Person in all Respects very fit for it, and both the one and the other are now become, and that deservedly, Men of eminent Stations in the Church. However, for want of Experience in these Matters, and the Junior acting only as directed by the Superior, there were some unfortunate Accidents, in not understanding what they went about, or making a bad Use of what they understood. All I can say relating to the Latter, (to whom for his Skill in ancient Hands, I have been often beholden, and now mention with the greatest Sense of Gratitude, and submit all that I have written to his better Judgment,) is that one Thing was then done in his Youth, which when he hears related, he will only wonder at him, whose Direction he followed in that Business. Which I do not at all relate, to reflect herein, on either these now Reverend Persons; but to impart this Observation to such as are possessed of many old Records, that they do not take them as they find them, 'till they be disposed by some skillful Person into the Order that the due Nature of them requires. Which in former Times happened not to a great many
Deeds

The PREFACE. xxi

Deeds that I found in our Treasury, all of them relating to Lands and Houses the COLLEGE was once possessed of in Newcastle.^{upon Tyne.}

NOW some ignorant Person to keep, as he imagined, all the Deeds he found together in their due Order, the First he marked 1st, and the second he marked 2^d, and so on as they came to Hand, to the Number of above Eighty. And, according as they were thus signed, the Amanuensis was ordered to Copy them upon two or three Sheets of Paper. But when I came to examine this Transcript, I found them all out of Place and Order, as perchance the first last, the last tenth, and the twentieth in some other Place, without any Coherence or Dependence one upon another: And had the Papers been writ only on one Side, I could have cut off Charter from Charter, and disposed them in a due Method; but this could not be done, for the severing of one Charter would, it may be, cut quite thro' another: So that I was forced to cast the Copy quite aside, and betake me to ^{ies} the Originals, and sever them into so many Heaps, as there were single Houses, or Quit-Rents out of several Houses.

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xxii The PREFACE.

NOW many Persons will think this but a single Mistake; but I found the like in the School's Tower, and so placed in a large Repertorium, or Register of all the UNIVERSITY Muniments. Those that Mr. Twine understood, its like he placed in the due Order he found them; but when he came to several ill mark'd, he gave them in the Order he found them, with Remarks upon each, concerning their Antiquity, and the like, without the least Reference the one to the other, or so much as conjecturing to what they belonged: Which when I had ordered aright, I found all or most of them belonged to those Lands given to the UNIVERSITY, shortly after William of Durham's Donation, by several Benefactors, most of them lying out of North-gate, and the Rest within the City of Oxford.

AND this Hint may serve young Beginners, and perhaps not be unacceptable to those of older Years, that have not been much versed in regulating ancient Charters.

THIS is all I find remaining in the Treasury, under the Hand of that ingenious Gentleman,

The PREFACE. xxiii

man, employed by the Reverend Person, who undertook the Supervisal of regulating our disordered Treasury. But, besides what was done there, another large Leger Book was made, by the Order aforesaid, of the chief and most material Muniments, in a very large Hand, and great distance of Lines, like a Chancery-Bill; I think for no other Reason than to make the Book look large, and the Price expensive.

THIS I think I did not peruse, 'till a Catalogue was framed out of the Records of our Founders and Benefactors, who increased the Number of Fellows, or gave any Scholarships to the COLLEGE; wherein some are call'd Founders, when the Founder himself is hardly honoured with the Title of Benefactor, and said to have only given Money to erect two Fellowships, of which I was at that Time possessed of one. Upon the perusal of this Catalogue, in which I spied many Falshoods, and some Oversights, I resolved, by the Help of the Leger Book, to become versed a little in the ancient Hands, in which most of the Deeds were written, having never before perused any Thing of that Nature; and then procured the Favour of the Society to

xxiv The P R E F A C E.

examine that Work, which I thought so inartificially performed, without the Assistance of any ones Help but my own. This Transcript of Charters begins with a noted Forgery, usually called Champernay's Charter, dated 30 Years before William of Durham died; in which it is pretended, that the Chancellor, Doctors, and Proctors, had before the Year of its Date, bought a great many Houses, which at that Time they conveyed to the COLLEGE, to Robt. Caldwell, whom they call Custos, and to the Rest of the Scholars and Fellows; and its dated the 4th of Henry the 3d, calling him the 3d after the Conquest; which had there been nothing else, shews that it must needs be a forged Charter, for Post Conquestum, as I have observed elsewhere, was never used before the Reign of Edward the 3d. A^o. 1326.

Mr. Twine had in his Apology, stiled this, A Deed that could not lye; and the Author that made this Catalogue, relying, I suppose, on his Judgment, writ in the Margin, that
N. B. it was Authentick, and not spurious, as some had thought it; to which I added Nota melius, that it was not only suspectæ, but deploratæ

The PREFACE. XXV

ploratæ fidei, giving my Reasons for it. I mention this Error only in this Place, because it has done a great deal of Mischief to the COLLEGE, by supposing the Chancellor, Doctors, and Proctors to be our Visitors, and giving a handle to Dr. Charlet to persuade them that they were so; which I have so plainly confuted in the following Papers, that I think it impossible for any that can Read, to say I am in this Mistaken. I need say no more about the many Mistakes in this fanciful Catalogue; having already discovered them in the ensuing Papers, by which the World may be convinced; that every Thing that is read or printed, is not, without further Examination to be relied on as certain Truth. Several material Errors being laid open, to those that shall read the following Discourse, both in Mr. Twine's Apology, and in Mr. Wood's History, and Antiquities of Oxford. But there is one Thing not yet mentioned, that first convinced me Mr. Wood was not in all Things to be relied on, and which occasioned my Admittance to view the Archives of the UNIVERSITY in the School's Tower; and it was this, under the Year 1512, I find this Passage in Mr. Wood,

I

xxvi The PREFACE.

I will give it in English, because the Latin History, I believe, by this Time is become something scarce; but in Libraries, those that are curious, may easily see, that I purpose not to do this, or any other Person wrong, by false Quotations, the Words import thus much: That at that Time a bitter Quarrel happened in UNIVERSITY COLLEGE, between the Master and Fellows, who on the 4th of October, (1512) were called by Dr. Wilford, the Commissary of the Chancellor, to come before him, which was done by both Parties, to declare their Injuries; and the 10th Day of the same Month, assigned for a solemn Visitation, and they (to whom this Command was given, under the Penalty of Excommunication,) appearing, the Commissary did so skilfully interpret the Statutes in Favour, both of the Master and Fellows, that the Parties were well satisfied on both Sides.

I lay it not to Mr. Wood's Charge, as I have done in some other Place, that he was wilfully or voluntarily mistaken; but that the Place he quotes was difficult to be read, and one of the greatest Artists in reading Antiquity, made such

The PREFACE. xxvii

a Transcript of it, that neither he, nor I, could make any Thing of it; And thereupon, by the Intercession of Dr. Charlet, whose Favours I would as readily own, as his Injuries, if I had received many of the former Kind from him; was admitted to view the Register Book, which, because it is not easy to have access to, I will give in the Words I found there, and as I take it under the Commissary's own Hand.

QUARTO die Mensis Octobris nos Edmundus Wilford Commissarius Almæ Universitatis Oxon convocatis coram nobis Magistro & Sociis Collegii Universitatis in quos jurisdictionem ordinariam nos tam ex statutis ipsius Collegii Universitatis quam consuetudine habere satis constat, de & super quadam contentione inter ipsos Magistrum & socios prædictos assignavimus eis diem visitationis, viz. decimum diem Mensis prædicti præcipiendo illis sub pæna excommunicationis ut pendente termino nostræ visitationis prius assignatæ inter partes præfatas nullus eorum, viz. neq; Magister contra socios, neque socii contra Magistrum facerent prosecutionem.

WHO-

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WHOEVER understands this, will find that the good Agreement made betwixt the Master and Fellows vanish'd into mere Conceit and Fancy,—For the Register mentions not a Word of what was done at that Visitation. And tho' from hence it cannot be discovered what was the Ground of their Dissention, yet by Chance I found it a long Time after, in Cod. B. Page 242. And it was about what Servants the Fellows were allowed, and was afterwards, by Archbishop Warham, then Chancellor, referred to the Bishop of London, who gave it rather for the Master than Fellows, but appointed each Party to pay their own Charges.

FROM whence we may observe what Favour the Master, Ralph Hamsterly, twice found from the Chancellor, Archbishop Warham, who first approved his Election, which was no Way statutable; And 2dly, referred his Cause to be determined by Hamsterly's old Collegiate, the then Bishop of London.

IT may now be expected, that having given an Account how I first became engaged in this kind of Study, I give some Account how I have
pro-

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proceeded in the Management of it, and what Proof besides my own can be alledged for the Truths I have delivered, so contrary to what has been defended and propagated, by many of those that have been Masters and Fellows down from Rich. the 2d's Reign, to that of his late Majesty.

IN answer to which, it may be noted, that I have all along declared the Authority on which I have built my Opinion, only I both promised and intended to print the Originals in Latin, which I have translated; but this was to have been in the Appendix; and being now obliged to publish this Part before I can finish the whole, partly for lack of Time, and more especially for lack of Health and Ability, I must defer that 'till the Residue be finished. But besides my Quotations being most of them lodged in their own Treasury, or cited out of the School's-Tower, they may be very easily consulted by those that are most obliged to defend, if they can, their own Opinions, by discovering the Mistakes in my Translations, if I have been so unhappy as to make any, but if I have failed any where in this, I shall be sorry for it, and willing to correct my Faults, if any of Moment
can

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can be found there. But this I honestly profess, that I have, as diligently as I could, avoided all fraudulent Evidences, and only drawn such Conclusions, as I imagined did naturally flow from them; for it would be inexcusable to commit those Crimes my self, which I have censured and exploded in other Authors.

THIS Preface has spun it self out into a greater Length than I at first intended it; and tho' there are some few other Things, that I could have wished to have taken Notice of, before I had bid the Reader adieu; yet the gracious GOD, that has almost miraculously hitherto abated my Pains, all the Time I have been writing this Treatise, has suffered the Gout now, at last, to return upon me, (who have not been able to use my Feet, to get to Church, without a Sedan, these thirty Months last, that I have discharged my Cure,) first about the beginning of this Month, rendring my Left Hand useless, and has begun this Day to come into my Right also: So that, blessed be GOD, I have just Strength to subscribe my Name, when otherwise some ill affected Persons might stile me the Author of a Libel, who am a lover of Truth,
and

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and hater of Lying; and hope upon Trial shall
always be found so. And,

Remain thy faithful Servant

in the LORD,

Mellonby in Yorkshire,
Nov. 17th, 1727.

Wm. Smith,

POSTSCRIPT.

Jan. the 2d in the New-Year.

THE foregoing Preface was hastened by the Gout, which
had then seized both my Hands, but, blessed be GOD,
I have now, in some Measure, recovered the Use of them;
and a blank Page being left, I thought it fitting to make
some Excuses for the repeating some Things over and over,
which partly happened by not having for a long Time by me
the Sheets which were printed off, and some Repetitions here
and there being necessary; but that which most needs an A-
pology, is, the Repetition of what relates to the honourable
Mr. Berty, and Dr. Ayliffe, beginning about the 185th p.
which will occur again in a larger Manner afterwards; the
Reason of this, is, that I had mislaid, and I thought, lost
some Latin Statutes, made in the Year 1711, and relating
what I then said in such a Manner, as I thought might be
disputed, and now having found what I wanted, I have re-
newed that Story with more unquestionable Evidence, than
my bare Word only would amount to.

I have

I have long promised this Discourse in the Evening Post, and now having got as many Sheets as are risen to above 208 Pages, and it will be a great while before the Rest be printed, I intend to send some few Copies to the Secretary's-Office, at Court; which I hope will prevail to have any further Hearing of this Cause deferred, before his Majesty, 'till the whole can be finished. My Distance from the Press has occasioned more Errors than I expected; but some being my own, and not the Printer's, I have thought fit here to give my Reader Notice of them.

ERRATA of my own.

PAGE 13, Line 21, for double the Rate, read, at the same Rate.
 p. 35, l. 7, Edward the 1st's Inquisition should not have been there quoted. p. 68, l. 17, I have writ Sir H. Savile, for Sir Hen. Spelman. p. 92, l. 19, a Lease, add, to Lincoln-College. p. 151, l. 1, is spoken of Dr. Wharton. at l. 10, of Rudburn. p. 173, l. 4, for five Quarto Volumes, read 2 Folio's and three Quarto's of Collections, with many other Folio's, upon several Heads drawn out of them, I think towards ten Folio's.

ERRATA of the Printer.

PAGE 33, l. 17. read extant. p. 48, l. 14 for Dr. r. Drs. p. 59, l. 25, r. Kybald. p. 64, l. 11, for by r. from. ibid. l. 20, for Terra r. Turre. p. 74, l. 17, for (.) put a (,) p. 89, l. 12, for fourth r. South. p. 91, l. 14, read Purchases. p. 93, l. 8. Maglu r. Mahu. p. 113, l. 25, for their r. the. p. 120, l. 22. Joh's r. Joh'es. p. 120, l. 1, r. 1248. p. 121, l. 2, r. Tofta. p. 131, l. 14, r. Furies. p. 132, l. 5, r. saying, p. 136 l. the last, dele last, p. 137, l. 2. for Calls r. Galls. p. 146, l. 3 r. exercising. p. 148, r. M. S. S. p. 149, l. 18, r. Election. p. 150, l. 6, for aond r. and. ibid. l. 23, r. long. Correct the Folio's from p. 147, to p. 161. p. 157, l. 7, r. feigns. p. 158, l. 20, r. meam. p. 160, l. 13, r. Univelati. ibid. l. 16, r. Univerlate. p. 161, l. 8, for darth r. Dart. p. 162, l. the last, for John r. Joh'es. p. 165, l. 7, r. Mecænas. p. 170, l. 1, r. Marton. p. 175, l. 12, r. M. S. S. also in p. 176, l. 4 r. M.S.S. p. 179, l. 13. r. Wodianum. p. 182, l. 14. for Rich. (Dr. Alyffe ought to have read) Robt. p. 184, &c. for Charlot r. Charlet. p. 186, l. the last but one dele the Comma. p. 189, l. 13. r. November. p. 204, l. 10, r. or back. p. 205, l. 16, r. Muniments.

The Rest of the Errata, after Page 208, shall be corrected at the End of the Book.

See ye errata at page 306.

THE

THE
ANNALS
OF
UNIVERSITY COLLEGE
IN
OXFORD:

OR,

*A True Account of the Rise,
Progress, Settlement, Benefactors, and
Misfortunes of that Society.*



I Shall be forced to throw my three first Particulars, concerning the Rise, Progress, and Settlement of that COLLEGE into one general Chapter, and for Method's Sake draw what I have to say, under these two Enquiries.

I. WHAT can be produced to prove *William of Durham*, or at least the UNIVERSITY of *Oxford*, with his Money, to have been the true Founder, or Founders of that COLLEGE.

P. B. 35.

II. I

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II. I shall consider all the Arguments that are, or can be alledged to prove King *Alfred* the first Founder, and give a full and clear Answer to them all.

WHAT I propose to say, in Relation to the first Enquiry, shall be branched into these seven following Sections, or Particulars.

1st, I shall gather what can be found in History concerning *William* of *Durham's* Birth, Education, Eminency for Learning, what Preferment he was possess'd of, and what I think he sought to obtain, and the Time when, and Place where he died.

2dly, I shall give an Account what Sum of Money he bequeathed to the UNIVERSITY, and what Uses he appointed it to.

3dly, How the UNIVERSITY for some Time employed this Money, after they had received it.

4thly, How they came in some Measure to vary from the Founder's Prescriptions, and yet in Reality to comply with the very End and Design of them, by erecting a COLLEGE with his Money.

5thly, WHAT Statutes the UNIVERSITY made for the Government and encrease of the Society, when they had erected it into a COLLEGE.

6thly, WHERE the COLLEGE, or HALL,
first

first stood, when it was erected, and about what Time the Fellows removed themselves into the Place, where it is now settled, and by what different Names at several Times it was called.

7thly, WHAT Benefits seem to have accrued to the whole UNIVERSITY by his Example, in ordering the Money to be laid out in Rents, for a perpetual Maintenance of those, for whose Use he intended it.

I. FOR the first of these Heads, 'tis no great Wonder, that near 500 Years after *William* of *Durham's* Decease, we cannot recover much of what he was, or what he did: These Things at least seem highly probable, that he had his Name, as most of the learned Men of that Age had, from the Place he was born in, and that he was educated in *Durham*, or in the Monastery of *Weremouth* near it, and afterwards sent to study at *Oxford*; all which is in a Manner proved to us, by what we shall read of him hereafter. For nothing was more common in those Times, than for Men of Pregnant Parts to remove from one UNIVERSITY to another, from *Paris* to *Oxford*, and from *Oxford* to *Paris*, as might (if it were not otherwise well known) be made appear from what we read of this *William* of *Durham*, and four Others of his Companions, or Associates. For *Matthew Paris*, that noted Historian, and who is more to be regarded, because he writes of

what was done in his own Time; acquaints us, that *there was a great Falling out between the Students and Citizens of Paris and (as was usual for Academians then to do) all the Scholars removed to another Places, where they could have civiller Usage, and greater Privileges allowed them, as the Oxonians had done in King John's Time; when three thousand removed to Reading and Maidstone, (and as some say to Cambridge also).* So likewise the aforementioned Author tells us, that *in the Year 1229, those famous Englishmen, Mr. Allen of Becoles, Mr. Nicholas of Farnham, Mr. John Blundus, Mr. Ralph of Maidstone, and Mr. William of Durham (most of whom were elected Bishops afterwards) removed from Paris to Anjou: And it is probable, nay, rather certain, that this gave Occasion to King Henry III. to publish his Letters Patents the 14th of July, that very Year, to invite the Masters and Scholars of the UNIVERSITY of Paris into England; and if they would do so, they should have the Choice of any City or Burrow, wherein to place Themselves; And upon this Occasion also, foreseeing they would prefer Oxford before any other Place, the said King sent several Writs to the Burgers of Oxon, to provide all Conveniences, as Lodgings, and all other good Entertainment, and good Usage to welcome them thither.*

THE next Thing I read of him, is to be met with in Mr. Madox's *Formulare Anglicanum,*

num, Page 346. where by the Name of *Wilhelmus de Dunelm' dictus Magister*, he appoints the Lord Abbot of *Bardeley* to receive twenty Pounds of the Prior and Convent of *Stodleyga*, at four several Payments there assigned; the Deed is dated *June 19, 1243*. I find this Abbot had a Voice in Parliament, and is therefore styled *Lord Abbot*; But there is no Convent of *Stodley*, where there was a Prior, and therefore I suppose the *Amanuensis* mistook the Abreviature and writ *Prior* for *Priorissa*, for there was such a Nunnery four Miles off *Oxford*, to which, I suppose he lent that Money.

THE next News we hear of him is his Death, which under the Year 1249, *Matthew Paris* thus describes. *This Year died Mr. William of Durham, at Rhoan (in Normandy), returning from the Court of Rome; He was eminently learned, and abounded in great Revenues, but was gaping after greater; he was Rector of that noble Church of Weremouth, not far from the Sea: as soon as he was dead, the King did effectually procure that the said Church should be bestowed on his (half) Brother Ethelmore.*

I shall beg leave here to put in my Conjecture, that the greater Thing he gaped after, was the Bishoprick of *Durham*; for being as we have related before, an old Acquaintance of Bishop *Farnhams* (or *Fernhams*) at *Oxford*,

Paris, and *Anjou* in *France*, and afterwards his Neighbour at *Weremouth*, of which Place the Bishop of *Durham* is Patron ; It is very likely, that when that Bishop resolved to retire and resign his Bishoprick, he acquainted *William* of *Durham* with it, and betwixt them it was agreed, that the said *William* should take a Journey to *Rome* ; both to procure the Pope's Licence to resign, and yet retain a Pension to himself of a thousand Marks *per Annum* whilst he lived, and likewise procure the Pope's Nomination, that *William* of *Durham* should be his Successor, had he not died in his Return Home : And this is still render'd more probable, because *Walter Kirkham* (then Dean, of *York*) was elected by the Prior and Convent of *Durham* to succeed *Farnham* that very Year, 1249. but was not consecrated 'till 1250, and after his Consecration not being well pleased, that Bishop *Farnham* had so great a Pension reserved to him when he resigned, he therefore presently after commenced a Suit against him ; But *Farnham* having been formerly the King and Queen's Physician, and it's likely had procured the Pope's Licence to resign, still retaining such a Provision ; *Kirkham's* Endeavours to get it revoked did in the End prove fruitless and unsuccessful, as several Historians relate.

2dly,

2dly, THE second Thing I proposed to speak of, was the Sum of Money he bequeathed to the UNIVERSITY; and this we have no other way to discover, than by the Inquisition made several Years after by the Delegates of Convocation, appointed for that Purpose: This Inquisition, and the Effects it produced, are still remaining in UNIVERSITY COLLEGE Treasury, signed with the UNIVERSITY Seal, and as far as relates to the Words of the Will, shall be presently subjoined, for they are to this Effect: The Persons deputed by the UNIVERSITY to enquire after *William of Durham's Testament*, found upon that enquiry, *That the said William bequeathed to the UNIVERSITY 310 Marks, that with them certain Annual Rents should be bought, for the Use of Ten, or Eleven, or Twelve, or more Masters, who should be maintained with the Rents of that Money.*

BUT before I can go any further, I must now begin to encounter one of those many Forgeries, and the Eldest of them, (*if we may believe the Date,*) which it will be my Business utterly to refute, and, as I think, the like will be very easily done in all the following Parts of my Discourse. It will be found in *Pixide, A. A.* and the Copy is likewise to be met with in one, or more of the Statute Books, I purpose to give it at length in the Appendix. But,

THE import in English is this, *That having given us the Chancellor's Name, with the Doctors of Divinity, and Proctors, in general Words, and the particular Names of William of Durham's Executors; it tells us, That that Archdeacon of Durham (as this Charter calls him) gave 400 Marks to buy Lands, for the maintaining six Masters of Arts, born nearest Durham: That they had laid out that Money, and therefore gave to Roger Caldwell, Warden, or Senior Fellow of the great Hall of the UNIVERSITY, and the Scholars thereof, eight Messuages, eight Skillings Quit-Rent, and four Cottages; and then recites where these Messuages and Cottages stood, their Measures, &c. giving the Prices of some, and omitting the Prices of others. But you must Note, That it puts in all the Houses the UNIVERSITY had bought, but not 'till 30 Years after the Date of this Charter, and some of them not 'till towards 150 Years after. This is sufficient to overthrow the Truth of this Deed, and yet as if there had been something still wanting, they abundantly supply that want by the Date, which is this, Dated at Oxon the 1^{ctb} of July, in the Year of the Reign of Henry III, after the Conquest the Fourth.*

NOW this is a certain Proof, or Mark, of a spurious Deed, if the Words *post conquestum* be added to any Time before the Reign of Edward III. or the Year 1326.

HAVING

HAVING therefore removed this Clog out of my Way, I might next consider the Smallness of the Sum, and the unlikelihood it should answer the Ends it was designed for: But there will shortly hereafter be a properer Opportunity for it, when I come to the 5th §. to speak of the Statutes made in pursuance of this Design.

3dly. I proceed in the third Place to enquire how the UNIVERSITY for sometime employed this Money after they received it: In answer to which, I shall first give an Account what Tenements they bought with Part of it, and afterwards how they disposed of the Rest.

The first Purchase that occurs to me out of the Original Deeds, all lodged in UNIVERSITY COLLEGE Treasury, is that of an Angular, or Corner-House, standing in *School-street*, and is now Part of the Front of *Brazen-Nose COLLEGE*, which was bought of the Prior and Brethren of the Hospital of *Brackley*; who grant it, and four Shillings Quit-Rent out of another House, to the Chancellor, Masters, and Scholars of the UNIVERSITY of *Oxon*, for which the Prior and his Brethren received thirty six Marks in *Gersumam*; that is, as I take it, into their Purse. There are a great many Witnesses to this Deed, but the Date is not added, nor was much used before the

the Middle, or End of *Henry* the III. Reign; yet it happens, that this Want is supplied by a Letter of Attorney to give Possession, dated the Thursday after *Midsummer-day*, A^o. M CC *quingagesimo tertio*, in Words, and not in Figures. I have contracted this Deed, and will put it at large in the Appendix.

THE second Deed is the Purchase of a House from the Priory of *Skireburn*, made to the Chancellor, Proctors, and UNIVERSITY of *Oxon*, and was scituated the first House in *High-street*, on the *North-side* in *St. Peter's* in the *East*, and stands opposite to the Front of the present COLLEGE; with this also was conveyed 8 s. Quit-Rent in *St. Mary's* Parish, now inclosed in *All-Souls* COLLEGE: There was some Quit-Rent due out of it, and in order to it's Sale, the Abbot and Convent of *Eyesham*, did quit their Claim A^o. 1255, and it was granted to the UNIVERSITY, as appears by the Officers of the Town, the same Year, and for which the UNIVERSITY paid forty eight Marks in *Gersumam*.

THESE two Purchases being over, shortly after was held the great Council at *Oxford*, for Reformation of *Henry* the III. Government; at which Time, or shortly after, the UNIVERSITY had lent some Part of this Money to the Peers, or great Men of the Land: However about the Year 1262, they made a third Purchase from *Simon* of *Balinden*, a Canon of *Litch-*

Litchfield, on the *South-side* of their first Corner House in *School-street*: Whatever Name it had then, 'tis certain it was called *Brazen-Nose Hall* shortly after, in the Survey 7 *Edward I.* A^o. 1279; of which more by and by, it cost 55 l. 6 s. 8 d. *Sterling*, and makes, with the former House, the whole Front of that COLLEGE, and had four Schools belonging to it.

IT may be observed, that hitherto the UNIVERSITY had only traded with Clerks and religious Men, as possibly thinking them more to be confided in, than others; as also that their Purchases were rather of Houses that lay in *Oxford*, as thinking them near, and their Rents best paid by the Scholars, or for some other Reason moving them to do so: But this turned, in a Century or two, exceedingly to their Loss, the UNIVERSITY, as *Ricardus Armacanus* reports, being decreased from 30000 to 6000 within his Time, who dyed 1360; but at last the Falling and Decay of the Rent of Houses was far greater, as we may Guess by this one Instance, That *Brazen-Nose Hall*, and the House adjoining, were valued in King *Edward's* Survey, at above seven Pounds of their then currant Money; which if weighed against our present Coin (not at all considering the Scarcity of Silver in that Age more than ours) will amount to, or out weigh Twenty and more Pounds of it; and

and yet at last in *Henry* the VIII. Time, these Houses were exchanged with the Founders of that COLLEGE for 3 *l.* per Ann. of our then lessened Money only.

THE mentioning of the Change and Value of Money, how much greater formerly than now, brings me to speak of the last Bargain, or Purchase made, whilst the Money continued still lodged in their Hands; for the then Chancellor *Tho. Beck*, gave to one *Wymond le Linge* Draper, and his Wife *Agnes*, for a Quit-Rent of 15 *s.* out of two Houses standing now *West.* of the *Angel-Inn* in *St. Peter's* Parish, seven Pounds, and this was A^o. 1270. From which we may gather, that the Loan of Money, for a Year, at that Time, was after the Rate of almost eleven per Cent, and Tenements were purchased at that Time, in *Oxford*, after the Rate of about ten Years purchase.

But many will ask how I can prove this, and that it is not fit to be took upon my single Word; and indeed I do not expect, or desire that any Thing I say should be believed here, or in what follows, if I cannot bring sufficient Proof for it. And to evidence what I have above deliver'd, I must have recourse to the Inquisition afore-mention'd, 7 *Ed. I.* Anno 1279. for from thence I must fetch what was the annual Rent of these Purchases made by the UNIVERSITY, which not to trouble an *English* Reader with, I shall cast it in-
to

to the Appendix; by consulting which it will appear, that putting all the Prices I have mentioned together, the Sum will amount to 118 l. 6 s. 8 d. and putting all the Rents together, mentioned in that Survey, the Sum will be 11 l. 13 s. 4 d. which greater Sum reduced into Pence, makes 28400 d. which divided by the less Number, being 2800 d. the Quotient will be 10. $\frac{1}{70}$; But whether this be rightly reckon'd, I must leave to those who are better Computants than my self: I only mention it for the Exercise of young Gentlemen, that are as little versed in Arithmetick as my self. But I find in *Stow's Annals*, 1262, that many *Jews* were slain in *London*, for forcing a Christian to pay more than 2 d. a Week for 20 s. which I think arises to 43 l. 6 s. 8 d. *per Cent.* and if I am not mistaken, a greater Allowance was permitted by the University of *Oxon*, to the *Jews* there, even to lend Money at ~~double that~~ *the same* Rate, but I cannot at present meet with the Statute in my Collections.

THUS much of the Mony whilst in the UNIVERSITY's Hands, which I suppose as the Rents came in was divided, or distributed to the Masters of Arts that most needed it. As to the Money lent to the great Men of the Land, I can give no other Reason why they did so; but that both the Scholars, and many of the Bishops also, took Part with *Simon Mountford* and

and the Earl of *Gloucester*, to bring the Affairs of State to a better Settlement, than they were in whilst govern'd by Foreign and *French* Counfels.

4thly. AND now I am led to my 4th Head of Discourse, which was to consider how far the UNIVERSITY varied from *William* of *Durham*'s Prescription, in erecting his Pensionary Scholars into a settled Society and COLLEGE; for this of endowing a COLLEGE for Students was but a late Thing and never heard of in any UNIVERSITY before this of *Oxford*. Now to answer this Enquiry, we must call to mind how long it was before this was done, and what might move them to the doing it; and when it was done, whether it was receding from the Words of the Will? or rather a Fulfilling and Improvement of it. The first Reason they might find for Alteration might be from the great Inconveniencies and Dissensions, that might arise from the Distribution of it; both among those that were to dispose of it, and amongst those that might lay a Claim to receive it; as most Differences arise at this Day about Elections. A 2d Reason might be, that it was very difficult to find out who most needed it, and who best deserved it. A 3d Reason might be, that when they had found them, the Beneficiaries were dispersed over the whole UNIVERSITY, and the Gover-

Governours could not know what Progress those Persons made in their Studies, nor be well resolved how long their Stipend should continue. But 4thly, and lastly, they might by Experience observe, that the later Benefactors had found a more beneficial and honourable Way, by erecting HALLS and Societies, to unite their Scholars all into one Place, that it might be known whose Scholars they were, and by whose Benefactions they were maintained and supported; for before this Change was made by the UNIVERSITY, *Balliol-College* was erected, and *Merton-College* endowed. And tho' it must be granted on all Hands, that *Walter de Merton*, who had been often Lord Chancellor of the Realm, and as is reported, was the Framer of the Writs that are at this Day in use, was one of the wisest and wealthiest of our first Founders; yet he had altered his Settlements from one Place to another, and his Statutes too, more than once, so that the last did not take Place 'till the Year 1274. Tho' Mr. *Wood* takes the Boldness to place that COLLEGE first of all the HALLS, or COLLEGES in *Oxon.* *Hist. Part 1. p. 33. and Part 2. p. 52.* But that is no great Wonder, for being educated in that COLLEGE (tho' never Fellow thereof) he takes several Liberties to extol it, which upon Examination are not true; as that when other Places are called *Aula Universitatis*

Aula Ballioli, &c. that COLLEGE in Edward the III. Time, was called *Domus sive Aula Merton, & Domus sive Collegium de Merton*; which is a Distinction without a Difference; for that Name of *Domus* occurs in the Confirmation of *Balliol-College* by Oliver Bishop of Lincoln, A^o. 1284. who says, *that its Foundress called it Domum Scholarium de Balliolo*, and that Bishop himself gives it the Title of *Domus* several Times in that Charter, and in the second Statutes of our own COLLEGE dated A^o. 1292. we meet with it a dozen Times at least. I know this is a trivial Matter, and of no Moment, and I only take Notice of it, to shew that amongst Antiquaries both new and old, all is not Gold that glisters; nor is every Thing to be took for Truth that they relate, but cannot prove, as I shall have Occasion often to observe before I have got thro' the Subject I am now upon. Lest therefore I further grow tedious I shall now go on to enquire.

5thly, WHAT Statutes the UNIVERSITY made for the Government and Increase of that Society, when they had now erected it into a COLLEGE, and because very much depends upon a right Understanding of this Matter: I will translate all our first Statutes into our vulgar Tongue, and place them in the Appendix in their original Language.

TO

TO the Honour of GOD, and for the Benefit of the UNIVERSITY of Oxford, the Masters deputed by the Regents, to enquire and order those Things which had Relation to the Testament of Master William of Durham, as far as at this Time it could be ordered. This upon enquiry they found, First, That the said Mr. William did bequeath three hundred and ten Marks to the UNIVERSITY, under this Form; to wit, That with that Money they should purchase Annual Rents, for the Use or Benefit of Ten, or Eleven, or Twelve, or more Masters, who were to be supported, or maintained with the Rents of that Money.

FARTHER, by a certain Inquisition they found, That Rents had been bought, to the Value of eighteen Marks, or thereabouts, with the Money mentioned. The aforesaid Masters further inquiring of the Rest of the Money, found, That the UNIVERSITY needing it for itself, and other great Men of the Land, that had recourse to the UNIVERSITY; the Rest of the Money, to wit, one hundred Pounds, and ten Marks had been made use of, partly for its own necessary Occasions, and partly lent to other Persons, of which Money, nothing at all is yet restored.

THE Masters thus delegated by the UNIVERSITY, concerning the WILL of the Testator, make this Ordinance, That with the Goods now bought with the aforesaid Money,
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four Masters, well learned, and of good Manners, and who have ruled in Arts, shall the first turn be chosen in the following Form.

THE Chancellor with some Masters in Divinity, by their Advice, shall call other Masters of other Faculties; and these Masters with the Chancellor, bound by the Faith they owe to the UNIVERSITY, shall chuse out of all who shall offer themselves to live of the said Rents, four Masters, whom in their Consciences they shall think most fit to advance, or profit in the holy Church, who otherwise have not to live handsomely without it in the State of Masters of Arts; the Interpretation of which, is left to the Judgment of the Electors: The same Manner of Election shall be for the Future, except only, that those four that shall be maintained out of that Charity, shall be called to the Election, and of which four, one at least shall be a Priest.

THESE four Masters shall each receive for his Salary, or Allowance, fifty Shillings Sterling yearly, out of the Rents bought; and one of them, with another Regent Master helping him, shall take care of the Rents already bought, and procure the Buying of other Rents, and shall manage, promote, and discharge their Business, and be called their Bursar, and shall receive fifty five Shillings yearly, till a larger Allowance can be provided for him.

THE aforesaid four Masters, living together, shall study Divinity; and with this also may bear
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the Decretum and Decretalls, if they shall think fit; who, as to their Manner of Living and Learning, shall behave themselves, as by some fit and expert Persons, deputed by the Chancellor, shall be ordered. But if it shall so happen, that any ought to be removed from the said Allowance, or Office, the Chancellor and Masters of Divinity shall have Power to do it.

ALSO the said Proctor or Bursar, with the said Regent Master in Arts, by the Faith which he owes to the UNIVERSITY, shall take care about the Repair of the Houses, and Custody of the same, and shall use what Diligence he can, that the Money lent shall be called in and gathered; which Money he shall take care that it be kept in a Chest, appointed for that Purpose; one Key of which shall be kept by the Chancellor, another by the Bursar, and the third by some other Master, whom the Proctors of the UNIVERSITY shall appoint as fit for it.

BUT it shall be lawful for none to dispose of the Money collected, to any other Use, than what is appointed by the last WILL of the Testator; but as soon as more Rents shall be bought, both the Number and Exhibition of the Masters shall be encreased.

THIS also the aforesaid Masters did ordain, that none of the Houses of the said Masters shall be turned into Schools without their own Consent.

HENRY Stanton, then Chancellor of the U-

NIVERSITY, and the Company of Masters unanimously ratifying this Ordination, did corroborate this present Writing with the Strength of their Common-Seal set to it.

THE Year is not here expressed, but Doctor Stanton was only Chancellor of the UNIVERSITY of Oxford in the Years of Grace 1280 and 1281.

FOR the better Understanding of these Statutes I must explain some Words used in them, and for the Sake of those that do not know it, I must inform them, that the Word Master in an Academical Sense signifieth one that had took the highest Degree in the Faculty he professed, were it Divinity, Canon or Civil Law, Physick, or Arts; but that after a long Process of Time, for Distinction Sake, the Title of Master became appropriate at last to Masters of Arts only: Tho' before, nothing was more common than to style Persons of all Professions *Masters*; still understanding thereby, the Faculty they professed, or were advanced to, which ever it was of these five Faculties.

So that when *William of Durham* is called *Master* only, it is the same as it would be since to style him *Doctor*, or as is come later in Use, *Professor of Divinity*, or *Sacræ Paginæ Professor*.

I must also observe, that in ancient Times learned Men did not usually take to Themselves the highest Titles that were given them by others;

others; but were always wont to add some Sort of Diminution to their proper Title, as the Popes do that of *Servus Servorum* to this Day; how often do we find St. *Bernard* in his Epistles, thus stiling himself, *Bernardus humilis Claræ vallensis Abbas*, or *Bernardus claræ vallis vocatus Abbas*; and *William* of *Durham*, in the Deed afore-mentioned stiles himself *Willielmus de Dunelmo dictus Magister*. And *Gregory* the Great, as his Epistles are now printed, uses no other Expression than *Gregorius* only; and the great Titles that some of the *Saxon* Kings have put into their Charters, make those Charters themselves to be question'd as spurious. And Bishop *Skirlaw*, Dr. of Laws, when the Chronicons give an Account of his splendid Consecration, at which the King, Queen, many Prelates and noble Lords were present, stile him no more than *Magister Walterus Skirlaw*, barely.

NEXT concerning the Sum here bequeathed; it must needs seem to Persons unacquainted with History, altogether insufficient for the Purposes designed by it; but when Things are considered it will not appear so inconsiderable a Gift: For we must not suppose, that COLLEGES were first built to maintain Scholars like Gentlemen, as we may gather from many Circumstances; For most Statutes require, that those that are chosen should be Men of small Fortunes, nor keep their Places

any longer than they are provided of an Inheritance, worth one hundred Shillings a Year, or a Benefice worth ten Marks in the King's Books, but I shall have Occasion to speak of this Matter presently more at large.

I must likewise take express Notice of the Honesty and Integrity of the UNIVERSITY in that Age, in making such a strict Enquiry after the Donors decease; and they themselves so long possessed of what he gave, as not to fear any strict Enquiry after the Disposal of it; and yet you see what Care they take to be just and honest, and faithful to their Trust; enquiring what Purchases were made already, and the annual Incomes thereof, and what Money was still in their own Hands, and what was lent abroad by them; requiring that it should be all looked after, and when received, that none should have Power to put it to any other Use than what the Testator designed it for; But we are now come to an Age, that Men will not so much as own who they are obliged to, and by fraudulent Devises rather own *him* for their Founder, who never so much as thought of them; nor was himself so much as thought of to such a Purpose, 'till about 400 Years after his Death; but I must not prevent my self, it not being long before this Matter will come again to be discoursed of.

WE may also observe what Care they take that worthy Persons should be chosen to reap
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the Benefit of their Founders Donation; that they should be Men fit to adorn the Christian Religion, both by their Lives and Doctrines; and that if they should not answer these Expectations, the same Hands were ready to remove them, who, upon better, but mistaken Hopes, had placed them so near, and under their daily Inspection.

THE next thing I am to take Notice of is there Allowance or yearly Salary; and here again I am apt to believe most People will think it very mean and inconsiderable; but in so doing they will only betray their own Ignorance; for if we consult former Times we must not expect that all Things shall be agreeable to our own, which are but as it were of Yesterday, and know little more of Monies than what has happened to us, since the Discovery of the *West-Indies*, and the happy Reign of *Queen Elizabeth*. I shall not enter into a large Discussion of this Point, but I shall content my self to shew of what Value fifty Shillings was at that Time; and because I would not ramble far, I shall betake my self to those very COLLEGES, which are supposed to have given Occasion, and been Examples of settling these Allowances. As to *Balliol-College*, tho' all Men do not agree in the Year it was settled in, yet most of the eighteen Marks here spoken of were bought at least half a dozen Years before *John of Balliol* died, and left

his COLLEGE to be compleated by his Dowager *Devorgulla*; for though he might allow some weekly Pensions before he died, yet no Lands or Houses were bought by him in *Oxford* whilst he lived. The Chronicle of *Mailros* informs us, that *he died in the Year 1269, and appointed a House for them in Oxford, and gave to every of his Scholars 8 d. per Week for their Commons, or Sustenance.*

THIS Chronicon seems to reach no farther than the Year 1270, and yet having mentioned *Balliol*, he adds further, *That there was a House of Scholars there, better than it, who had as constantly as the Week returned 12 d. of the Gift of the Bishop; whom he styles Bathensis, instead of Roffensis; occasioned likely by the Mistake of the Transcriber, in the two first Volumes printed at Oxford.*

BUT however this be, whether the Transcriber, or Author was mistaken in the Name of the Bishop, I find he was a little too bountiful in the Allowance; for *Walter de Merton's* Salary to his Scholars, was the very same as the UNIVERSITY made to theirs; as I am informed out of a Manuscript of Mr. *Twines*, in the School's Tower, transcribed by him out of Archbishop *Peckham's* Register, p. 236, in a Letter to the Master and Scholars of *Merton-College*, (as he styles them) where having blained them for receeding from their Statutes, in not speaking Latin as they ought:

ought: He then tells them further, *Præterea cum ipsius Regulæ Capite, 4to, caveatur quod Scholaris quilibet per singulas annuas periodos quinquaginta duntaxat solidis pro necessitatibus omnibus sit contentus; vos tamen Regulæ linea incurvata, & quod est pejus, gratitudinis & charitatis Furibus derogantes, ultra prædictam quantitatem non modicum occupastis. Sic privatis prospicientes commodis, ut de multiplicatione scolarium quam juxta multiplicationem bonorum institutor vester summopere cupiebat fieri, pro ut expedit non curetis, contra proprium juramentum sicut patet ex articulorum 7tmo. quos jurastis: Quod quoniam ex nostra vos auctoritate facere affirmatis; pro eo, quod per vos dudum transitum facientes importunitati vestræ quandam laxationem concessimus de lignis & paleis & similibus, non satis tenorem Regulæ ponderantes talia expresse fieri prohibentis hanc concessionem nostram per presentes totaliter revocamus, præcipientes vobis sub pœna sacrilegii & perjurii, ne ultra id quod concedit vobis Regulæ de cætero de bonis vestris communibus aliquid usurpetis, vel sinatis ab aliis quomodolibet usurpari. A^o. ordinationis 6to Annoq; Dⁿⁱ, 1284.*

FROM this Letter you see plainly, that *Walter de Merton*, by his last Statutes, limited his Scholars Allowance to fifty Shillings only, and that for all their Necessaries: And when the Archbishop had, at their Importunity, suffered a small Addition for Wood to be

be added ; he here owns he had not well consider'd the Founder's Statutes, and therefore cancels that Grant, and that under the highest Penalties.

AND because I wou'd make what I write as instructive to our young Gentry as I can, I shall impart some further Observations to them, that they may not give Credit to whatever they meet with in their common Reading ; for some do infinitely advance the Worth of Money in old Time, beyond what it is in this Age, and some too much depress it. I had took some Pains upon this Subject, before I left *Oxford*, and intended very shortly after to have communicated my Observations to the World ; but removing hither, just about the Time that the ingenious Author published his *Chronicon Pretiosum*, (which tho' in some Sense it deserved that Title, yet otherwise was something an improper one) I was prevented in my Design ; tho', I think, there is not one Instance of the Price of any Thing to be found there, which I had not observed before, with several others there wanting, which I met with in many of the Computus's of several Abbys ; not so large indeed as those two published by the Bishop of *Peterborough* in his Youth ; yet as to the Prices of Corn far more numerous ; besides some Manuscripts in the *Bodleian-Library*, and some Things of that Nature in our own Treasury.

fury. That Gentleman endeavour'd to settle the worth of Money in K. *Henry* the VI Reign, and, I think; is not far amiss in his Calculation. Nor the Author of the Summary of all the Religious Houses in *England*, so widely out, in placing the Rise or Fall of Money as Twelve to One, or One to Twelve, which you shall please to call it; as he is in his other Calculations, to aggrandise the Revenue of the Religious. I shall but instance in one Particular, and that is this, He found that about a third Part of the Religious Houses were not valued, and then supposes the unvalued ones to be, for their Number, as rich as those that were valued; which unvalued Houses, were either Cells to Abbys in *Normandy*, or Places at Home, which fell to nothing by their Poverty: So that I am almost apt to believe, that he Rates that third Part, (as he does our Money) by Twelve to One above their true Value.

SPELMAN's Calculations (out of a vast Number of Papers) I have not time to search for, tho' I think them with the lowest. As Dr. *Savage* in his *Balliofergus* is rather extravagant on the other Side; for in his 2d Page he makes when that COLLEGE was built, every Pound then, to be worth 36 l. of ours; but in other Places he is more moderate, and reckons only twenty to one, as Page 11, 23, 35. but to repeat all the Opinions I have read would be tedious,

dious, neither have I Time to search for them if I would.

HOWEVER to give the best Light I can to this intricate Subject, and prevent all Mistakes of my Meaning, I must observe, that if our Money, which was anciently only Sterling Pence, for no greater Coin was ever stamp'd till *Ed.* the III Reign, had always continued at the same Weight; it would have been easy to discover how much more Silver there is now in the Nation, than there was in former Ages; but altering the Weight of the Coin, and giving Pence, tho' not a new Denomination, yet a far less Ponderosity: Men are apt to think, that our Money is as much augmented, as the Number of Pence and Pounds are increased; but this is a great Mistake, and our Pence and Pounds are now but the third Part of what they anciently were. And we must not think, that because Men formerly wrought for a Penny a Day, and now in most Places require twelve Pence a Day, therefore our Money, or their Wages are twelve Times as much as before; for we must take Notice, that our Modern twelve Pence, was but their four Pence; and this being granted, their four Shillings for a Quarter of Wheat, did weigh as much as our twelve Shillings does now, and consequently fifty Shillings in King *Hen.* the III Time, is of equal Weight to seven Pounds ten Shillings in ours. And this being granted

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ed me, it will not compleatly fatisfie my Enquiry, untill this Consideration be added to it; that since the *West-Indies* were discovered, Silver is now become more plentiful than it was in those Days, when the Statute I am speaking of was first decreed by the UNIVERSITY; and all this at least to a treble, if not to a Quadruple Proportion, as I shall endeavour to Evidence from the Price that Corn bore in those Days, and what it is now usually sold for in our Markets.

BUT when I speak of Markets, it must be understood of those in the *South*, and not of those that are far *North*; and because this Statute was made both in and for *Oxford*, I shall in a good Part shew what may be supposed to be the common or usual Rate that Corn bore there, in the Year 1280, which is the Date of those Statutes.

AND my first Help in this Matter, shall be to consider the ancient Assize of Bread, which was to vary as the Price of Corn did. I remember to have read in *Matthew Paris*, that the Assize, or Price of a Quarter of Wheat, began with twelve Pence, and ended in fix Shillings; but in that appointed by *Hen. the III* A^o. 1266, the least Price is twelve Pence, and the greatest twelve Shillings; but those Distances are so great, that we can draw no certain Conjectures from them, except we shall suppose that that was the usual and common Rate,

Rate, neither dear nor cheap, of which that King gives a particular Instance, which is there set at 3 s. or 3 s. 4 d. But I shall not be unwilling to allow as the common Rate 4 s. per Quarter; tho' *Nic. Trivot* tells us, *That A^o. 1288, the same Measure was sold in that plentiful Year for 1 s. 8 d. in some Places, in others 1 s. 4 d. in others for 12 d. only.* And because I will not take advantage of a cheap Year, I will inform my Reader of what he will hardly meet with in another Place; that in the Accounts of the Clerk of the Market, during the greatest Part of the Reign of *Ed. the II*, when most Things were at a vast Rate; yet I find no Year that ever exceeded 10 s. per Quarter, and others as low as 4 s. 10 d. But then upon a new Sort of Government, under the Reign of *Ed. the III*, Things returned to their wonted Price; and in the Year 1326, 1 *Ed. the III*, the best Wheat was sold in *Oxon* for 4 s. 4 d. a Quarter, and in the Year following, for no more than 3 s. 6 d. and 3 s. 4 d. Now if it be inquired why I give no other Instances for the Prices of Corn, than only *Ed. the II*, and *Ed. the III*, it is because there are no other, save those of later Date, in the Place whence I borrowed these; but else-where I find 4 s. often received in lieu of a Quarter of Wheat; and in the Survey of *Ed. the I*, the King's Taxers, who usually Value with the greatest, valued ten Quarters of Wheat, payable to a School,

School, or Scholars at *Carlile*, at 40s. which is the same Sum I have pitched upon, to make my Computations by.

Now this being afore proved, that the Fellows of *Merton-Hall*, and *University-Hall* had their Salaries limited to fifty Shillings *per Annum*, which would then *communibus annis* buy twelve Quarters and a Half of the best Wheat: What may the Price of twelve Quarters and Half of Wheat now commonly amount to; and reckoning as it is usually sold at *Oxford* for 40s. *per Quarter* and oftner, rather more than less? The total will exactly arise to 25*l.* a Sum not very inconsiderable in these Days, and not much exceeded, save by Pupillage, Chambers, Servants, &c. in some of the poorer COLLEGES in *Oxford*, and for ought I know in some of *Cambridge* also. I might have added to this Sum somewhat more by the 2d Statutes, if they kept them, dated twelve Years after; which joined to the former fifty Shillings, makes the whole fifty six Shillings and eight Pence; which computed as before, renders their Salary equal to 28*l.* 6*s.* 8*d.* when compared with our present Money.

BUT tho' what I have said may seem sufficient for my present Enquiry; yet there are many more Observations to be made, before this Subject would be exhausted: For he that reads that Corn was sold in *Henry the VI* Time, for 4*s.* a Quarter, must not reckon that 4*s.* then

then was equal to 4s. in *Hen.* the III, or *Ed.* the II Time; for Money, tho' it had the same Denomination, had not the same Weight after it began to be lessen'd in *Ed.* the III Time; for what was called 20s. in the *Ed.* I, and *Ed.* the II Time, was called in *Hen.* the VI Time, and *Ed.* the IV, *Rich.* the III, and *Hen.* the VII 37s. and in *Hen.* the VIII 48s. and came at last to be settled as it is now at 62s. for so many Shillings do a Pound of *Troy* Weight weigh. This will be something hard to be understood at the first Reading, but ought to be duly weighed by those that would speak pertinently on this Subject.

FROM all that has been said, I think we may rationally conclude, that instead of a Rise in the Valuation of Livings in King *Hen.* the VIII Time, from what they were rated at in *Ed.* the I, Reign, it should more properly be called a Lessening: Of this I will give but one Instance, and that shall be in my own Rectory of *Melsamby*, (as was the ancient Name, but is now usually called and writ *Melsonby*) it is rated in *Ed.* the I, Books, at 10*l.* 13*s.* 4*d.* but in those of *Hen.* the VIII at 10*l.* 2*s.* 11*d.* The first Sum would be of our present Money about 30*l.* but of the Money used in *Hen.* the VIII Time, I think scarce half so much. From which I think it may be gathered, that Money was scarcer in the Beginning of *Hen.* the VIII than it was in the Beginning of *Ed.*
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the III who began to lessen the Coin, which instead of being gain to him and his Successors, at last brought their Quit-Rents to be no more than a third Part of what formerly their Tenants paid; every Lessening the Weight was a Gain to them for one Year, but an equal Loss to them every Year after; and therefore all Projects of Lessening the Coin, or Heightning the Price of Silver, are mere Fancies, not to say Absurdities, if I be not highly mistaken.

HAVING thus discoursed about the Annual Stipend, or Profits of the Fellowships in the three first COLLEGES, I will conclude with giving an Account what the Salarys, or Fellowships amounted to of twelve COLLEGES, which were all that were exant when the UNIVERSITY and ABBIES were visited by *Hen. the VIII* 1535, and though some be more, and some less; yet taking them altogether, and dividing the Total, they will not quite arise to 4*l.* 6*s.* 8*d.* which if Money had not then been scarcer, and Corn in reality Lower than it was 400 Years ago, would not have kept Body and Soul together.

THERE is little more in these Statutes but what every one may understand without Explication, save that I translate the Word Procurator, by *Bursar*, to distinguish him from the two Proctors of the UNIVERSITY, which in one Place, next but the last Clause

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of these Statutes, may still seem to need an Exposition, to wit, what is meant by the UNIVERSITY's Providing, that it shall not be in the Power of any to make Schools of the Houses bought with *William of Durham's* Money, and now to be possessed by the four Persons that were to live together, and erect a new, or at least a different Society from what they were before. Now to understand this Passage, I must acquaint those that are Strangers to the UNIVERSITY, that one whole Street, beginning at the *West-end* of *St. Mary's* (the UNIVERSITY Church, not only for Prayers and Sermons, as it is now, but where the Acts were kept, and most other Assemblies held, before the Convocation-House and Theatre was built) and reaching from thence to the Place where the new Schools now stand, was taken up on both Sides for Lectures to be read, and Disputations to be held by all that took Degrees in any Faculty whatsoever: And the UNIVERSITY had a Privilege to hire Houses in any Part of the City, where the Owner did not live in his House himself; and likewise a Power to hire any House to read their Lectures in, that was not possessed, or made use of to that Purpose by any other. Now because two of their Houses stood in this Street, and they themselves were at least to live in one, this Privilege was taken away to demand them for Schools, without these Masters

sters Consent; and I take it for granted that these Scholars took one of them for their own residing in, and because that House was the first the UNIVERSITY bought, it was ever after called *University-Hall*, and had got that Name before these Scholars were placed in it, ~~as appears by the Inquisition I have mentioned in the 7th of Ed. I. A^o 1178-9~~ a Year before these first Statutes were made, and in all likelihood was the Occasion of making them; for the Houses, or Lands the UNIVERSITY had bought was before the Statute of *Mortmain*, and was done at their own Pleasure, or good-liking; but after that Statute, the UNIVERSITY could not without Forfeiture buy any in their own Names; and therefore orders the Masters, that were now chosen to collect the Money not yet employed, as Trustees for the COLLEGE, to buy, in two or three of their own Names, 'till they could procure a Licence of *Mortmain* from the King to settle them on their HALL or COLLEGE, as we shall find they did afterwards. And the UNIVERSITY I suppose gave those new elected Scholars an Account of what they had laid out for them, and delivered over all their Houses, and the Deeds by which they bought them, into their Hands and Custody, but two or three Deeds, through Mistake, being overseen, are still remaining in the School's Tower to this Day.

I read of nothing further done, either by the UNIVERSITY or these Scholars, 'till the making of the second Statutes, which was done in the Year 1292, which when engliſhed begin as follows.

This is a Copy of the Ordinations of the Congregation of the Regents and Non-regents, at the Procurement of the Executors of the venerable Mr. William of Durham for the Honour (and Benefit) of his Scholars, which were indented between the University, and the ſaid Scholars, on both Parts mutually ſealed, to each other, in the Year of our Lord MCCLXXXII, (or 1292.)

I. Impri. **I**T is ordained that the Senior (Fellow) in all lawful and honeſt Matters relating to the Houſe ſhall rule (or govern) the Juniors, and if he ſhall diligently take care to ſee theſe our Conſtitutions inviolably obſerved by himſelf and others, he ſhall have half a Mark for his own Neceſſaries; and the ſame ſenior, as well as every junior Fellow, that continually obſerves our Statutes, ſhall have yearly for his Servants, and Chamber, half a Mark, ſo that he once a Year ſee that the Tenements go not to ruin, but be kept in repair, and at every

very Act have one Disputation in Philosophy or Theology, and have one Disputation at least, in the principal Question of both Faculties in the Vespers, and another in the Inception in their private College.

II. Item, That the Bursar for looking after the Goods of the House thrice a Year, shall have for his Labour, if he perform it well, ten Shillings.

III. Item, None shall reveal the Statutes, or Secrets of the House to one that is not a Fellow, except it be to one that can honestly redress their Defects, if there be any; nor hide them from a Fellow that desires to know them.

IV. Item, No Fellow after the Publication of these Statutes shall, being in the UNIVERSITY retain to himself ten Shillings above one natural Day, but put them into the Common Custody of the Fellows, as is customable in other Colleges; and if he be out of the UNIVERSITY, within a Month, except there be some Necessity for it, and then with the common Consent of all the Fellows, both the Times may be doubled.

V. Item, It is appointed that no Fellow by himself, or any other, shall alienate, sell, pawn, hire, lett, or grant any House, Rent, Money, Book, or other Thing, without the Consent of all the Fellows; And the same Thing shall be observed concerning Charters, Bonds, Acquittances, Privileges, and all other Muniments, and the Common Seal of the House.

VI. Item, *IT* is appointed that all the Fellows present in the University, and being in Health, shall every Year, before Corpus Christi Day, take a rational and strict Account unanimously of their Burfar (or Proctor,) an Oath being first taken; and that this shall be done without Exceptation of Persons, and all hatred, favour, prayer, and price being laid aside; and after their so doing, the Account is to be approved and signed by the Chancellor.

VII. Item, *IT* is appointed, that of all the Goods of the College, moveable or immoveable, above two Sterlings in Value, one indented Register shall be made; one Part of which shall be kept in the Common-Chest, and the other by the Burfar, and every Year shall be viewed by all the Fellows, before their Accounts; and every Term all the Vessels and Instruments, and other Neccessaries shall be viewed by the Burfar.

VIII. Item, *LET* every Book of the House, now given, or hereafter to be given, be lent by Indenture, that he that has it may be more fearful least he loose it; and let one Part (of the Indenture) be kept in the common Chest, and the other with him that has the same: And let no Book, belonging to the House, be lent out of the College, without a Pawn better, (than the Book) and this with the Consent of all the Fellows.

IX. Item, *THAT* every Debt ~~be~~ paid by the House to others, or by others to the College, shall be

be made known to all (the Fellows;) otherwise it shall neither be received nor paid, least the House by this should be damnified.

X. Item, *THAT* every Year in the Admission of the Bursar, or any other common Servant, be that is to be admitted shall swear before all the Fellows of the House, and all the Company, to perform this Service faithfully and indifferently, to every one out of the Common-Purse.

[This is to be understood, both of the Fellows and Sojourners of the House, that none of them be wronged in any Thing, in the Account given in by the Bursar, or any of the Servants of the COLLEGE; for that I take to be the meaning of the Word *Comitiva*.]

XI. Item, *LEST* the House should be indebted, without sufficient Cause, it shall satisfy every one as soon as they can, at the farthest at the next Michaelmas of the Year, in which the Debt is contracted; except he, or she, to whom the Debt is owing, expressly give a longer Day for it.

XII. Item, *LET* there be put one Book of every Sort that the House has, in some common and secure Place; that the Fellows, and others with the Consent of a Fellow, may for the Future have the Benefit of it.

XIII. Item, That every Opponent in Theology, or Reader of the Sentences, or a Regent that commonly reads, when he wants it, shall have any necessary Book, that the House has, lent to

him Gratis; and when he has done with it, restore it back to that Fellow, who had formerly made choice of it.

XIV. Item, That before the Beginning of every Term, in every Year, there shall a Mass be said for all the Benefactors to the House, be it by Counsel, Assistance, Deed, or Favour (he has given, or done for them.)

XV. Item, If it shall happen that any House or Chamber, or other Matter belonging to the House, be let to any Person, in the Absence either of one or more Fellows, within a short Time after his, or their Return, the Thing shall be intimated to them, with the Names of the Bondsmen, or Security that is taken for it.

XVI. Item, No Fellow shall under-value another Fellow, but shall correct his Fault privately, under the Penalty of Twelve-pence to be paid to the Common-Purse; nor before one that is no Fellow, under the Penalty of two Shillings; nor publickly in the High-way, or Church, or Fields, under the Penalty of half a Mark; and in all these Cases, he that begins first, shall double what the other is to pay, and this in Disputations especially.

XVII. Item, THAT none hinder the honest Government of the House, either in Reading the Lecture (or Lesson) at Dinner, or in possessing the Chambers of the House: But every Fellow shall chiefly and diligently take Care of this, that (except in the three Principal Festivals) singly

ly they do not exceed twelve Sterlings a Week; except they have a Dispensation for it by the UNIVERSITY. And to this Statute, as well as to other Customs, the Manciple shall yearly Swear at his Admission.

XVIII. Item, SINCE the aforesaid Scholars have not sufficiently to live handsomely alone by themselves, but that it is expedient that other honest Persons dwell with them; it is ordained, That every Fellow shall secretly enquire concerning the Manners of every one that desires to sojourn with them; and then, if they please, by common Consent, let him be received under this Condition, That before them he shall promise, whilst he lives with them, that he will honestly observe the Customs of the Fellows of the House, pay his Dues, not hurt any of the Things belonging to the House, either by himself, or those that belong to him. And this shall be performed every Year before Whitsuntide, if it can be done conveniently, least the House should be any Way worsted, or lessened by them.

XIX. Item, THAT all the Fellows should speak Latin often; that in their Disputations and other Acts, they may have a better and readier way of Speaking it.

XX. Item, THER shall all live honestly as Clerks, and as it becomes holy Persons; not fighting, not speaking any Thing base and scurrilous; neither relating, singing, or willingly bearing Ballads, or Fables about Lovers, luxurious, or
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tending to Looseness; not deride any, nor move them to Anger, making no Noise or Clamour, to hinder other Men's Quiet, or Study.

XXI. Item, SINCE in the said College there are sufficient Scholars answerable to the Incomes they have, we put no more, nor other Statutes concerning the chusing of Fellows, and divers other Matters, concerning which when it is fitting we, or our Successors, will appoint; except this only, That if it should happen that all the Fellows of the said House should suddenly die, go away, be promoted, or removed from the said House, without previous Election: We ordain according to the Will of the Founder, that in such a Case the Masters not promoted, nearest to Durham, shall come to the Chancellor, or Proctors, or senior Theologue, or senior Artist, who thereupon shall admit some of the best of them to the foresaid College; And if there be no Masters of the said Country unpromoted, let Bachelors, or if it be necessary, Sophisters, nearest Durham, and as is said concerning the Masters, let some of them be admitted according to the foresaid Statutes; these three being added.

1. YOU shall swear to observe the Statutes, Privileges, Customs, and Liberties of this College.

2. ALSO you shall not foment, or encourage those that oppose the Statutes, Privileges, Customs of this House; but as far as lies in your Power defend and protect them.

3. YOU

3. *YOU faithfully shall Promise to observe all these as God, and the holy Gospel shall help you.*

THESE Statutes shall suffice for the Present, to which others may be added when it shall be thought fitting.

THERE are several Things that may be collected from these Statutes.

1. First, THAT *William of Durham's* Executors were still alive at the Making of these Statutes, or had been so about a dozen Years before, when those of the Year 1280 had been made, and had took some Offence that there had been no sufficient Provision for those that were born nearest *Durham*, and according to the Founder's WILL were to be preferred before others; which is here eminently provided for, and that in an extraordinary Case, not only Masters of Arts, but Bachelors of Arts, or in deficiency of them, even Sophisters might be admitted in their room, as fully appears by the last Clause of these Statutes.

2. Secondly, THAT, as afore I have took Notice, whenever a Delegacy is appointed by Convocation to act in the Name of the whole UNIVERSITY, there must be Doctors and Masters of all the five Faculties, and what the major Part agrees to must generally take Place, as a Statute obliging the whole Body, without any Application to the House for a farther Confirmation of it: At least if the Dele-

Delegacy be made, *cum nuda Relatione ad hanc Domum*; but in some Cases it is otherwise, when it is added; *cum Relatione & approbatione hujus venerabilis Domus*.

III. WE may observe from the said Statutes, that there is not the least Mention or Regard in these, or the former Statutes of King *Alfred*, or any of his Halls or Scholars, or the least hint of restoring any of them, had there ever been any such; for sure King *Alfred*, himself, could have had no particular Relation to the *North*, more than the *South*; tho' *William* of *Durham*, as being born there, and beneficed in the near Neighbourhood of it, very probably might, and that his Executors had informed the UNIVERSITY of this particular Omission.

IV. I needed not to have reflected upon any other of these Statutes, had not those that managed the Plea for King *Alfred's* Title, to be our Founder, picked out a weak Argument to support a tottering Cause; even so weak, that I am almost ashamed to recite it, and give it a solemn Answer. It is rather fetched from, than contained in the fifth Statute; which forbids that any Fellow shall alienate, sell, or pawn, grant, or lett any Thing belonging to the House, without the Consent of all the Fellows; and that the same Thing should be observed concerning Charters, Bonds, Acquittances, Privileges, and all other
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other Muniments, and the Common Seal of the House. Now sure, this Statute related not only to the Charters they then had, or Privileges they might then be possessed of; but also to whatever Charters or Privileges they might afterwards obtain from the Crown, or be possessed of by the Gift of other Benefactors, or the Lands and Houses they might afterwards buy with the remainder of *William of Durham's* Money, at this Time remaining undisposed of. But those wise Arguers would have it extend only to what they then had, and therefore they must have a Seal at that Time; because a Seal is there mentioned, and that must be the Seal that King *Alfred* had given his former Scholars; which it seems was left them, when their Lands and Salaries were taken from them. If this Seal therefore was then in Being, why do we never hear the least News of it, no not so much as a Word of it in all the following Fables; but was lately found and patched out by some of the Civil Lawyers; for I suppose no common Lawyer would ever have the Face to mention it, they know better what Sense and good Reason means; and that bad Arguments are answered by being barely proposed.

BUT if these Scholars had such a Seal, what became of it before the next Statutes? were they so Careless as to lose this precious Jewel,

Jewel, which they were sworn to preserve, within less than twenty Years; for these second Statutes were made in 1292; and in the Year 1311, these Scholars had no Seal at all, but were forced to borrow the Seal of the Dean of *Christianity*, to confirm the Counterpart of that Indenture, which was to be delivered by them into the Hands of the UNIVERSITY. Mr. *Wood* thinks the COLLEGE had no Seal at all before the 40th Year of *Edward* the III, that is, *Anno* 1366, but in this he was grossly mistaken, as I shall shew in the following Pages.

IT is something of Wonder to me, that the ingenious Gentleman, who invented this Argument, was not aware that the mentioning a Seal would remind the contrary Party of the Inscription of their true Seal, tho' of later Date, of which I shall have occasion to speak more particularly by and by; and which, after they had got a Charter from *Edward* the II, dated 1317, was this, *Sigillum commune Scolarum Magistri Willielmi de Dunelm. studentium Oxon.*

I have hardly any thing more to take Notice of at this Time and Place, save some Purchases made by the Fellows, in the Intervall between these and the following Statutes, but this only; that very little or no Lands, or Houses had been bought between the Years 1280, and 1292; because in these second Statutes,

tutes, there is nothing said concerning Elections; but there were many Houses (of which I shall take Notice hereafter, purchased by several of the Fellows, before the Year 1311, being the Date of the following Statutes.

A true and faithful Translation of the third Body of the Statutes, taken from the Original still extant in *turre Scholarum Oxon in pixide I. N^o. 10.* with the University Seal annexed to it. Dated A^o. 1311.

*T*O the Honour of GOD, and the Glorious Virgin, and All-Saints, and the Holy Mother the Church, and also especially for the Health of the Soul of William of Durham, of pious Memory, deceased, and for the Proficiency of his Scholars, studying in Oxford, by the Lord Chancellor (Dominus Cancellarius) of Oxon, and the venerable Doctors, at that Time Regents in Divinity, together with the Proctors, and by other Doctors and other Masters in all the singular Faculties, especially deputed by the UNIVERSITY, in the Place, and by the Authority of the said UNIVERSITY; it was unanimously agreed in the Manner that here follows.

I. Imprimis, IT is ordained, That in the Election to be made of every Fellow to the Charity, assigned by the aforesaid Master William for his
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Scholars, All and every of the Fellows that are to be supported, or ministred to, out of his Charity, and who at the Time of the Election shall be present, shall chuse without Exception of the Country or the Person, such an one as they believe to be adorned with good Morals, poor or indigent in his Estate, and most apt to make Proficiency in the Profession of Divinity; but they appointed, that he who was equal in other Matters and born nearest to the Parts of Durham should be preferred before any other whatsoever. The Electors also, as soon as they can, shall present the Person by them chosen, to the Lord (or Mr.) Chancellour, and the Doctors of Divinity, and the two Proctors; who shall have two Days, or three, to consider of the Person elected, and his Qualifications; and according to their Consciences reject him or admit him. But if it shall happen that for a just Cause he shall be rejected, the aforesaid Fellows, without any judicial Proceeding, shall according to the Form appointed, without further Delay, chuse another.

II. It is also ordained, That all the Fellows of the House, shall continually hear (or study) Theology, so that they shall not mix therewith the Hearing any other Faculty; except in the long Vacation, and then they may hear the Decretals, or Decrees, if they please.

III. IT is farther ordained, That all the Fellows shall remain together in one House, so that
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any one absent, under any Pretence, in the Village, or out of it, shall receive nothing during his Absence; except he be absent causa recreationis, and then he shall have no Allowance beyond one Month; but when present, he shall be allowed his Customary Commons (or Weekly Allowance).

IV. Item, *THE* Proctor of the House, called also the Burfar, shall beyond any other Fellow, receive ten Shillings for his Labour.

V. Item, *EVERY* Fellow, for the Pension of the House, and Salary of Servants, and other Necessaries, shall above his Commons receive Yearly half a Mark.

VI. Item, *IF* it shall happen that any one shall be absent above a Term, without having leave from the Fellows, another shall be chosen into his Place; unless bad Health, or some other lawful Cause in those Parts, shall hinder him that he could not come.

VII. Item, *IF* any one shall be promoted to a Benefice of five Marks, (a Year) he shall no longer enjoy the aforesaid Charity, but another shall be elected in his Room.

VIII. Item, (*IT* is appointed,) That every Fellow, within seven Years of his Hearing, (Divinity) shall oppose in the Divinity Schools, and further proceed as is becoming.

IX. Item, *IT* is ordained, That the said Scholars, or who have been Fellows, shall cause every Year, in the Parish where they live, two
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Masses to be said for the Soul of the Founder.

X. Item, *THAT* the Senior, (Fellow) if he be not in Priests Orders, shall cause himself to be ordained as soon as possible.

XI. Item, *THAT* they shall make themselves, as far as lyes in their Power, to be called the Scholars of William of Durham.

XII. Item, *THAT* the Proctor of the House, for the Time being, having first took his Corporal Oath, shall every Year give a true Account of all his Receipts and Expences, before the Chancellor and some others he shall call to him, and before the Company; also the Fellows Auditors of the Account shall be bound, in Virtue of their Oaths, to examine the Account faithfully.

XIII. Item, *THE* said Persons ordained, that if it should happen that any, for some evil Practice, should be removed from the House or Office in it; the Chancellor, and Doctors, and Proctors, shall have full Power summarily to examine the Cause, and displace the Culpable.

XIV. Item, *IT* is ordained, That as their Rents shall be increased sufficiently for another Fellow, another Fellow shall be chosen.

XV. Item, *IF* in any of the Statutes foregoing there be any (Doubt or) Hesitation, or Dispensation to be made, the aforesaid (Chancellor, Doctors, and Proctors) shall have full Power to dispence.

XVI. Item,

XVI. Item, *THEY* shall recite (or read) these Ordinations (or Statutes) every Time they celebrate for their Founder.

XVII. Item, *IT* is ordained, That all the said Scholars, and their Successors, at their first Admittance shall take their Corporal Oaths, that they will inviolably observe all the aforesaid Articles, except they shall obtain the Benefit of a Dispensation (in any of them).

Dated at Oxon the 3d of July, in the Year M,CCC,XI. In Witness of which to the one Part of this Indenture, remaining with the aforesaid Scholars, the Common Seal of the UNIVERSITY is appendant; to the other Part remaining with the UNIVERSITY, at the Request of the said Scholars, the Seal of the Dean of Christianity in Oxon, is appendant.

By the Preamble of these Statutes, and all other Acts of the UNIVERSITY it plainly appears, that there were no Thoughts of King *Alfred* in their Minds, nor any Intention in the least of restoring any COLLEGE, or HALL, of his Founding; nay, it may almost be thought, that providentially many of their Expressions and Statutes were so worded, that there is no room left to make Way for those Fables, that have lately passed for Truths in *Westminster-Hall*, by the Fraud and

factionous Proceeding of one Part of the Society, against the Statutes, the Peace, and Good of the whole COLLEGE; and in Defiance of the Sentence of their proper Judges in the UNIVERSITY, when the Difference came regularly before them.

I think this Case so plain against *William* of *Durham* being the Restorer only, and not Founder of the COLLEGE, that no Words of mine can make it plainer, and therefore might leave it to the Conscience of every honest Man, to give Sentence, as Reason and his own Judgment shall direct him.

FOR certainly had the UNIVERSITY thought that King *Alfred* had founded any such Place as they desired to restore, they would have made some grateful Remembrance of it, and his Soul should have been prayed for, as well as *William* of *Durham's*: But we find as Superstitious as they in those former Days were, some Men are found in ours that would outvie them in their Superstition also; otherwise it would never have been pleaded, as it was very lately, (and that only since this Cause was set on Foot) that King *Alfred's* Obit is kept as a Festival-day in UNIVERSITY COLLEGE, but this Falshood shall be fully refuted, to their Shame who invented it, when I come to the properest Place for it.

BESIDES that the Statutes all along call them *William* of *Durham's* Scholars, these Delegates

legates have made a further Provision, as far as lay in their Power, that they should always be called so; and therefore (in Article XI) *they oblige all that shall be admitted to any Share in his Charity, to cause themselves as far as they can possibly effect it, to be called by his Name, or, William of Durham's Scholars.*

AMONGST so many other weak Arguments, I wonder this has not (that I hear of) been insisted on as one; that the Scholars and Townsmen so far thought that this was but the Restoring of King *Alfred's* old Foundation, that they could not be prevailed on to call them *William of Durham's*, but rather the UNIVERSITY Scholars; as tho' it had been a second Reviving King *Alfred's* Munificence, as that King had once restored the scatter'd UNIVERSITY to a new Being in his Reign. For that he only did so, we learn from the nice Arguings and Sophisms of Mr. *Wood*; who in his first Book proves the Antiquity of the UNIVERSITY from the *French* Petition, as tho' that Petition, had been true, and to be relied upon; but when in his 2d Book he comes to prove the Antiquity of UNIVERSITY COLLEGE, he rejects it as counterfeit, and says, *that John of Beverly, and Bede could not be of it, because they died many Years before King Alfred had any Being in the World*; Is not this as St. *James* speaks, *to bring bitter and sweet out of the same Fountain.* By

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the Way it seems to me, that four Fellows are a mean Foundation to build such a grand Superstructure upon, as twenty four Divines, which the *French* Petition, (if we might believe it) makes it to contain ; or, as *Richard Witton* would have it, Seventy-eight ; when these Pleaders on the same Side are agreed, it will be Time enough to provide our selves of an Answer. But in the mean Time, we need not labour to find an Answer to the foremention'd Objection, and that, both an easy and satisfactory one ; for the House where these Scholars were first placed had for several Years been called UNIVERSITY HALL, and by consequence, those that lived in it UNIVERSITY Scholars : which the Delegates thinking a Wrong to the true Founder, and the taking or suffering, an Honour to be ascribed to themselves, which was due to another ; to acquit themselves of the Robbery, they make this Statute, that they should no longer be called UNIVERSITY Scholars, but *William of Durham's* Scholars ; and this, I think is a sufficient Reply to that Objection at present.

HAVING mentioned Mr. *Wood* on this Occasion, I think it but fit to take Notice of another Error he has committed ; for tho' Errors, in many Cases, ought to be easily pardoned to him that falls into them for want of better Information ; yet when they are done for the Nonce, either to obscure a Truth, or pro-

propagate a Falshood ; I think a just Animadversion, is as necessary as a Rod to a naughty and vicious Child. Now this Historian, in giving an Abstract of our *first Statutes*, does it not in the Beginning *verbatim*, but alters them into his own Words, and puts them in *Roman Letters*; that which he recites truly, is in *Italian*, and I think it impossible to make the *Roman* and *Italian* Historian, tho' they be near Neighbours, to agree together: For the *Roman* Historian tells us, That the UNIVERSITY had borrow'd of the 3^{ic} Marks, which were bequeathed to them, 100*l.* and ten Marks; and that the Rest was lent to others, (great Persons) who had not yet restored it; all this was said, as I suppose, to hide that there were any Houses bought before the Year 1280, when those Statutes were made: That there might be no Foundation left to prove that there were any Scholars maintained, or could be maintained, 'till that Year, and 'till after that *Merton-College* had been some time settled at *Oxford*. Now if he had recited this Inquisition truly, as he ought, he must have said, as that does, that with Part of the Money the UNIVERSITY had bought about eighteen Marks *per Annum*, and that of the other 100*l.* and ten Marks remaining, one Part was borrowed by the UNIVERSITY, and the other Part by some Nobles of the Land.

6thly, HAVING done at present with the Statutes, I must now hasten to my sixth Head, or §. and that was to shew where the COLLEGE, or HALL stood, when it was first erected into a Society; and afterwards consider at what Time in all likelihood it removed to the Place it now stands in; and how long it was, after it got thither, before it acquired the Name of *Magna Aula* or the *Great-Hall* of the UNIVERSITY of Oxford.

As to the first of these, where the COLLEGE or HALL was first placed, I must in some Measure proceed upon Probabilities, but yet of that Nature, that I think there will be but few that will not readily assent to the Reasons I shall give for my Opinion; which is this, that they were placed in that HALL, which the first of all others was called *University Hall*, and now makes Part of *Brazen-Nose-College*; my first Reason is this, because these Scholars being become Owners of three HALLS viz. *University-Hall*, *Brazen-Nose-Hall*, and *Drogeda*, or *Drowda-Hall*, it is likely they would rather chuse to live in one of their own Houses, than in a HALL hired of the Townsmen; and there is no likelihood that they pitched on *Brazen-Nose-Hall*, for it was then let at such an high Rent, that it would have sunk more, than two of their Salaries; and as to their other HALL, called *Drowday-Hall*, that was also of too high a Rent for them,

them ; and upon this Account I chuse to place them in the least of these three HALLS ; a second Reason is what I mentioned before, that I conceive they were called *University-Scholars* for their Living in *University Hall* ; but thirdly, and more especially from the Provision that obliged 'em to live altogether, and the Delegates had provided also, that none should turn them out, or make any Schools of their Houses, without their own Consent. These are the Reasons I give for my Conjecture, which being but a Conjecture, I must leave to every ones Judgment to assent to, or reject it, as they shall think most probable.

THE 2d Enquiry I proposed to make, was, at what Time it may be supposed these Scholars left this, or some other Place to remove into *High-street*, where the COLLEGE at this Day stands.

NOW it is certain, that it did not always stand there, for betwixt King *Ed. the 1. Survey*, in 1278 or 1279, and the Time it was purchased, there were three, or more Owners of it. First *Andrew of Durham*, who was one of the Aldermen of the City, when that Survey was made, and from whom it bare the Name of *Durham-Hall* ; afterwards it was called *Selverne-Hall*, and at the Time it was bought, which was in the Year 1332, it was called *Spicer's-Hall*, except that *Selvern* and *Spicer* should prove the same Person, the one deri-

derived from his Name, the other from his Trade; for in the Interval of the Time above mentioned *Adam Feteplace*, who had been many Years Mayor, was become the Owner of it, and it was bought of his three Daughters, who were then Heiresses.

NOW this being but a single-House, and of no greater Length forwards than two Rooms on a Floor, nor of greater Length backward, than what the present Quadrangle contains; I can scarce think they removed into it, 'till they had purchased two HALLS that lay behind it, and reach'd as far Southward as a certain Street then call'd *Kybald Street*, now quite shut up and inclosed; so that Part of the COLLEGE Grove stands in *St. John's Parish*; but the Place being void, and that Parish not making any Perambulation, the two other parishes, in which the North part of the COLLEGE stands pretend to the whole betwixt them; and *St. Mary's* Parishioners of late Years, because the COLLEGE had a Way into that Part of *Kybald's-Street* not yet shut up, did by Permission at first, and since think they have a Right to go thro' *St. John's Parish*, by which Means they inclose a HALL, anciently belonging to the UNIVERSITY, and lying in *St. John's Parish*, as if it lay within the Bounds of *St. Mary's*. But that HALL, formerly called *William's-Hall*, from the Name of him that

that gave it to the UNIVERSITY, who was one of their Beadles, and which was the first Piece of Land that the UNIVERSITY ever had, that was properly their own, and not purchased with our Founder's Money; is now turned into a Stable, and lyes directly South of the three Tun Tavern, reaching as far back Northward, as the three Tuns it self reacheth Southward. I would not have spent so much Time upon this Trifle, but to shew how easily ancient Things are mistaken; and I shall have occasion hereafter to mention something of the ancient Deeds of this *Aula Willielmi*, now still remaining in the Schools Tower.

BUT to go on with my 2d Enquiry, the exact Time of their Removal, or what Year of our Lord it happen'd in, is as difficult to ascertain as the other; for as I have noted, it could not be, 'till the House where the COLLEGE now stands was bought; and I imagine it could not be made convenient for them, 'till the two Halls I mentioned, (but did not give the Names of them, which were *White-Hall* and *Rose-Hall*, in *Ribald-street*.) *Ky* were purchased also, and this was not 'till the Year 1343; so that, I think, we must take that for the likeliest Time of their Removal: These two Halls came together to the COLLEGE, with *Ludlow-Hall*, which lay in *St. Peter's* Parish, and was not taken in-

into the COLLEGE 'till some Time after; and by the Taking that in, the East Part of the old Quadrangle lay in *St. Peter's*; and the Gate and the West Part lay in *St. Mary's*: But when the COLLEGE was again new Built (and the West Side with *Mr. Charles Greenwood's* Money, who was once Fellow of that COLLEGE and *Proctor* of the UNIVERSITY, and gave us 1500 *l.* towards it) we bought a House Westward of the old Quadrangle, and by that Means enlarged the Front, and left a large Way on the West Side, to bring in Carriages.

HAVING thus, as far as I could, dated the Time of the Society's Removal into *High-street*, there remains yet a 3d Question, when it first got the Name of *Aula Magna*, or the *Great Hall* of the UNIVERSITY. And this is almost as uncertain as were the two foregoing Questions: But I shall endeavour, as far as lyes in my Reading, to satisfy this Enquiry also.

BUT I must first Observe, that these Scholars having long bore the Name of *University Scholars*, it was not possible to shake off that Name on a sudden; and therefore upon their Removal, I suppose, they called their new Lodgings by the Name their old ones were vulgarly known by; and to prove this, there are several Deeds or Leases, in which they style themselves, (and others styled them also)

so) The Master and Scholars of the HALL of the UNIVERSITY of Oxon; and all the Difference put between their old and their new HALL was this, the one was called *Aula Universitatis in vico Scholarum*, and the other *Aula Universitatis in Alto Vico*; but how long this continued, I cannot be certain to a Day, or a Year, but shall acquaint the Reader about what Time I find a Variation; for 'till the Year 1361, it certainly kept its old Name of *Aula Universitatis Oxon*, as it appears by *Laur. Rudeford's* Deed, dated that Year, which conveys a considerable Estate to the COLLEGE (bought as I conceive with the last remains of what was owing of *William of Durham's* Money,) from that Year, and for several Years after, the Leases run in the Name of the *Master and Fellows of the Hall of William of Durham*, commonly called *Aula Universitatis*. And the first Time I find *Magna Aula Universitatis* added to the other, was in the Year 1381, and after that Year both the Names were promiscuously used, 'till the Title was changed by a later Charter from *Q. Eliz.* What I have writ hitherto, is borrowed from Deeds and Leases; but from the Year last mentioned 1381, we have most of the *Bursar's* Rolls remaining with us, and then the Style runs thus *Computus, &c. of the Bursar of the COLLEGE of Mr. William of Durham*, commonly called *Mickle University-Hall*,

Hall, and this Title continued 'till the 14th of *Rich.* the II, 1390, when the Style was sometimes changed into *Collegii Magnæ Aulae Universitatis*, but in the 23d of *Rich.* the II it returned to the former Title of the COLLEGE of *William* of *Durham*, &c. and then again, after some Years to *Micel-Hall* of the UNIVERSITY, and so mutably as the *Bursars* pleased; but in *Queen Eliz.* Time, 'till the Year 1572 it is oftner stiled the COLLEGE of *William* of *Durham*, than barely *Magna Aula Universitatis*, as well in Leases, as in the *Bursar's* Accounts.

AND thus much of the two UNIVERSITY HALLS, and how they came to be so called; and it is almost manifest, that the third *little* UNIVERSITY Hall derived its Name as a Difference from the *Great Hall* (one single House, or HALL standing betwixt them, and that was *Ludlow-Hall*) and in an old Deed, belonging to that HALL, I find this *little* UNIVERSITY Hall called the Tenement of *John de Hasele*, in the Year 1315, and in the Year 1343 the Tenement of *Michael, the Son of Andrew de Pyrie*; and the first Time I find it in any Deed called *Little* UNIVERSITY Hall is in the Year 1379. this *Little* UNIVERSITY Hall was afterwards bought by the COLLEGE in the Year 1404, and became Part of the Master's Lodgings, and as I hear, since my Removal from *Oxon*, is made Part of the

the New-Buildings, erected with the 6000 l. given them by the late famous Physician Dr. *Radcliffe*.

T H U S I think I have sufficiently proved, that there was (at least since the Conquest,) no HALL, called UNIVERSITY HALL, but what Originally drew its Name from the Purchases made by the UNIVERSITY itself, or the Fellows of UNIVERSITY COLLEGE, or the *Little Hall* adjoyning to the *Great*, so that these are none of King *Alfred's Halls*; from whom the Fellows of that COLLEGE never received one Foot of Land, nor one Penny of Money, and then with what Equity, or Justice can such a Person be own'd or call'd our Founder.

HAVING thus dispatched six of my Sections, I come now to the 7th, and last remaining.

7thly, WHAT Benefits seem to have accrued to the UNIVERSITY by the Example of *William of Durham's* Benefaction to it. I read of nothing given to the UNIVERSITY before the Year 1249, in which Year the said *William* is reported by *Matthæw Paris* to have died at *Roan*; But quickly after, and I suppose, by his Example, one of the Beadles of the UNIVERSITY, called *William Hoyland*, left by his WILL his Estate to the UNIVERSITY, one Part whereof lying in *Kybold's-street*, and afterwards from him, stiled *Aula Willielmi*, or *William's Hall*, is the first

Hall, and this Title continued 'till the 14th of *Rich.* the II, 1390, when the Style was sometimes changed into *Collegii Magnæ Aulae Universitatis*, but in the 23d of *Rich.* the II it returned to the former Title of the COLLEGE of *William* of *Durham*, &c. and then again, after some Years to *Micel-Hall* of the UNIVERSITY, and so mutably as the *Bursars* pleased; but in *Queen Eliz.* Time, 'till the Year 1572 it is oftner stiled the COLLEGE of *William* of *Durham*, than barely *Magna Aula Universitatis*, as well in Leases, as in the *Bursar's* Accounts.

AND thus much of the two UNIVERSITY HALLS, and how they came to be so called; and it is almost manifest, that the third *little* UNIVERSITY Hall derived its Name as a Difference from the *Great Hall* (one single House, or HALL standing betwixt them, and that was *Ludlow-Hall*) and in an old Deed, belonging to that HALL, I find this *little* UNIVERSITY Hall called the Tenement of *John de Hasele*, in the Year 1315, and in the Year 1343 the Tenement of *Michael*, the Son of *Andrew de Pyrie*; and the first Time I find it in any Deed called *Little* UNIVERSITY Hall is in the Year 1379. this *Little* UNIVERSITY Hall was afterwards bought by the COLLEGE in the Year 1404, and became Part of the Master's Lodgings, and as I hear, since my Removal from *Oxon*, is made Part of the

the New-Buildings, erected with the 6000 *l.* given them by the late famous Physician Dr. *Radcliffe*.

T H U S I think I have sufficiently proved, that there was (at least since the Conquest,) no HALL, called UNIVERSITY HALL, but what Originally drew its Name from the Purchases made by the UNIVERSITY itself, or the Fellows of UNIVERSITY COLLEGE, or the *Little Hall* adjoyning to the *Great*, so that these are none of King *Alfred's Halls*; from whom the Fellows of that COLLEGE never received one Foot of Land, nor one Penny of Money, and then with what Equity, or Justice can such a Person be own'd or call'd our Founder.

HAVING thus dispatched six of my Sections, I come now to the 7th, and last remaining.

7thly, WHAT Benefits seem to have accrued to the UNIVERSITY by the Example of *William of Durham's* Benefaction to it. I read of nothing given to the UNIVERSITY before the Year 1249, in which Year the said *William* is reported by *Matthæw Paris* to have died at *Roan*; But quickly after, and I suppose, by his Example, one of the Beadles of the UNIVERSITY, called *William Hoyland*, left by his WILL his Estate to the UNIVERSITY, one Part whereof lying in *Kybald's-street*, and afterwards from him, stiled *Aula Williæmi*, or *William's Hall*, is the first

first House or Land that was not bought with *William of Durham's* Money, and in the Survey made by *Ed. the I*, A^o. 1279, was valued at 20 s *per Annum*.

THE 2d that I shall name is the Legacy of *Walter Grey*, Archbishop of *York*, who died A^o 1255, and gave an House then (or shortly after) called *Black-Hall*, and valued in the aforesaid Survey at one hundred Shillings, and is now made Part of *Hart-Hall*, but the Property I suppose is in *Exeter College*, from by whom it was either rented or bought; or else still remains with the UNIVERSITY as chief Owner, to which it was at first bequeathed; I say bequeathed, because as far as I remember there are some Deeds made by the Owners to that Bishop, but none from him, turre to the UNIVERSITY, are now in the Archives in ~~terra~~ *Scolarum* to the UNIVERSITY itself.

THE 3d I shall mention, but cannot rate the Value of, because it lay in *St. Giles's* Parish, was left them by *Roger Adington*, Stationer, and confirmed to them by his Widow *Petrinolla*, A^o. 1265.

THE 4th and last Tenement was given, or bequeathed, to the UNIVERSITY by *Reginald de Bathon*, and was valued in the aforesaid Survey at XXX Shillings, and stood as I conceive near *Bear-Lane*, and afterwards was converted into the *Canon Law* School, and is now leased out, by the UNIVERSITY, as

as an Appurtenance, or Garden to some other Tenement near it.

ALL these Houses became the UNIVERSITY's before the Survey, or the Statute of *Mortmain*; there is one more that now belongs to them; but was not left them 'till after that Statute, which made a great Alteration in the Form of Donations; for *Roger Leigh*, Beadle of the UNIVERSITY, left the poor Scholars thereof an HALL (called as Mr. *Wood* says, *Ridall-Hall*) his Death happened before the Year 1295. Now this Legacy could not take Effect, without all the Preliminaries requisite to avoid the Hazard of Forfeiture; for there was first an *Inquisition* from the Crown *ad quod damnum* to be returned by a Jury, and then *Letters Patents* for the Donor to give, and the Donees to receive. The House was found by the Jury to be worth forty Shillings a Year; but the Printer in Mr. *Wood's* History has made a Mistake for XL s. reads LX s.

THERE is one remarkable Deed still, which Mr. *Wood* I believe never saw, tho' it be yet remaining in the School's-Tower, and one of the Reasons why I now mention it, is, because of the Rarity thereof: For one *John* of *Grendon*, as Capital Lord, had a Quit-Rent of 2 d. *per Annum* out of it; this he grants to the Community of poor Scholars in *Oxon*, and their Successors for ever, for which they gave him

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him 40s. of Money, which is after the prodigious Rate of two hundred and forty Years Purchase. The Deed is to be found in *pixide* O. N^o. 19. this, and the foregoing were all the Houses the UNIVERSITY had, 'till after the Year 1295. Mr. *Wood*, besides the Error abovementioned, places in his History what was done A^o. 1295. under 1294, for which there is some Reason, because the Testator might die that Year, but I am forced to refer my Reader to it under that false Year. There is also another Fault in that Page, tho' possibly 'tis more the Author's that he quotes for it; where giving an Account how the *Obit* for *Roger Leigh* the Beadle should be observed, the Register he quotes, says, *the Mass must be observed, as they are enjoined for William de Gray*: Now it is much, and yet so it happen'd, that in the Length of Time they should not know the true Name of their Benefactor, which was not *William*, but *Walter Grey*, Archbishop of *York*.

I have now gone through the seven Heads I proposed to speak of, concerning *William* of *Durham* and his Benefaction to the UNIVERSITY; and shewn not only that he was their first Benefactor, but that he made Way, and gave Example to four others that so shortly after followed him, and that before the general Survey, made by King *Edw.* the I, 1279. And it would be Time for me now to proceed
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to the second Part of my Discourse, concerning King *Alfred*, and his feigned HALLS, and Scholars ; But there is one Thing that called me back when I was entering upon it, and that is a Passage I had overlook'd, relating to the Monument of *Walter* of *Merton* Bishop of *Rocheſter*, and Founder of *Merton-College*, which was repaired by that COLLEGE in the Year 1598. The Warden and Fellows of which (as Bishop *Godwin* tells us, p. 575.) caused this Inſcription to be written over it.

WALTERO de Merton Cancellario Angliæ ſub Henrico tertio ; Epifcopo Roſſenſi ſub Edwardo primo Rege ; unius exemplo omnium quotquot extant Collegiorum fundatori ; maximorum Europæ totius ingeniorum feliciffimo parenti, Custos & Scholares Domus Scholarium de Merton in Univerſitate Oxon, Communibus Collegii impenſis, debitum pietatis monumentum poſuere A^o. Domini 1598. Henrico Savile Cuſtode. Obiit, &c.

A very high Character, if it were true, and not being ſo, but injurious to *Univerſity College*, which has always been ranked and eſteemed the ancienteſt of all others in *Oxon* ; I cannot, tho' never ſo willing, paſs it by without a Refutation. It is much againſt my Mind to reflect on any Perſon, eſpecially on ſuch a great Man in all Sorts of Learning, as

that worthy Knight Sir *Henry Savile* was, who has fixed the Name *Custode* twice upon that Monument; if there be any Mistake, 'tis more properly to be charged on him than upon the whole Society. And yet for any to blemish his Fame, who in some Respects almost deserves the Honour he gives to his own Founder, would be very ill taken by the whole UNIVERSITY of *Oxford*; where he has founded two Mathematical Lectures, and liberally endowed them both, to the Value of 5 or 600 Crowns a Piece, and has made himself eminent, both by his own learned Works, and by publishing those of other Men, especially by the famous Edition of St. *Chrysostome* in Greek at *Eaton-College*. But after having thus owned Sir *Henry Savile's* great Merits, I must not consent, that he should plume his own Founder with Feathers pluck'd from anothers Wing. And I must impute this Mistake, at least as far as it relates to *University-College*, (tho' I think *Balliol-College* is wronged in it also) to his not being acquainted with the true State of *William of Durham's* Benefaction; but might think it was all Fable, as by his Reading and Publishing the *Decem Historici Anglicani*, he found what had been reported of King *Alfred's* Halls was nothing but Dreams and Fictions: But I oppose not my own bare Opinion to Sir *Henry's* Authority, neither wou'd I desire a better Judge

+ In the Author's Errata, he erroneously refers us to correct this to *Spelman*. *Savile* surely is the person meant.

Judge than that learned Man himself, were he now living, and saw the Evidence I have produced to the contrary of what this Epitaph relates; for taking it for granted, and beyond Dispute, that *William of Durham* dyed A^o. 1249, and that several Purchases were bought with his Money shortly after his Death, as the Deeds themselves testifie; all the Doubt that can afterwards follow, is, whether *William of Durham's* Donation to X, XI, or XII Masters or Scholars, were sufficient to erect them into a Society? And whether that Society could properly be called a COLLEGE? And the Judgment in this Case, I refer to such Persons as have Learning to decide it, which any one may do, that has but Ability to consult his Latin Dictionary, where he may be informed what is the meaning of the Word COLLEGE: Which, as he will there find, signifies not a Building made of Brick, or Stone, adorned with Gates, Towers, and Quadrangles; but a Company, or Society united into a Body, and enjoying the same, or like Privileges one with another: Thus the COLLEGE of *Augurs*, or *Pontifices* at Rome, did not denote so many Men lodged under the same Roof, or like Monks and Nuns, cloystered within the Bounds of one Monastery, or Convent; but a Society, or Company of Men, united in the same Privileges, tho' not in the same Habitation: For the *Roman* Priests

and *Augurs*, whose COLLEGES were composed of the Nobles, and chief Patricians of *Rome*, as well for the Honour, as Riches, which accompanied those Places; lived in their own Palaces here and there in that City; and yet these dispersed Persons made but one COLLEGE, of which Sort of COLLEGES there were several in *Rome*, as those that understand the Classick Authors need not be informed of.

Now to apply this to UNIVERSITY COLLEGE, it is plain by the Founders WILL, That he appointed a certain Number of Masters of Arts to be his Beneficiaries, to be supported, and maintained, by the Lands and Revenues the UNIVERSITY should purchase for them; so that as soon as ever these Scholars amounted to the Number of Three, they were as perfect a COLLEGE as the *Roman* Tongue, or the Laws of that City, could make them; and so I leave this Proof to be examined by others, having elsewhere said enough to prove *William* of *Durham* the first Inventaer of such a Benefaction, as was to maintain half a Score, or a Dozen out of his Munificence for Ever; and if this does not amount to the Founding of a COLLEGE, I know not what does.

Now, tho' I have thus far vindicated *William* of *Durham's* being our true Founder, and the first that founded any COLLEGE in
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Europe, for all other Places yield that Preference to *Oxford*, (for the COLLEGE of *Navar*, is the first that was founded in *Paris*, and falls in with the Year 1304.) I say, tho' I have taken some Pains to bring these dark and ancient Matters to a fuller Day-light; yet if others had took the same Pains, and that with the like Impartiality, the COLLEGE had never fallen under the present Confusion and Misery it lies under; nor had I ever had a Hand in publishing so many Things to the great Disgrace of our Predecessors, and no way to the Honour of those, that neither heretofore did know, nor will now open either their Eyes, or Ears, either to hear, or see the Truth.

BUT tho' I should have no further Thanks, save my Labour for my Pains, I shall rest contented in this, that I have in some Measure discharged my Duty, and not suffered the COLLEGE to be longer unacquainted with him that was their true Founder; or let them so falsely adore King *Alfred* (tho' one of the best of Kings) as to make use of his Name to rob a Subject of his true Right and due Veneration. I say now, (if I have not said it before, or it may be may repeat it afterwards) That there is not one Word of *K. Alfred's* Donations to *Oxford*, or HALLS built there, or Scholars maintained by him, (save only the false *French* Petition, and what de-

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depends upon it) either in the Archives of the UNIVERSITY, or in the Treasury of UNIVERSITY COLLEGE: Out of which two Places I have transcribed so many Volumes in Quarto, that I am rather ashamed to name them, than take any Pride in relating, how many Hours and Days I have spent in Collecting these Things; which Men, that will take all they read upon Trust, will count no better than Triflings: But I was, and am still, of a different Opinion, that since all the Abbies and Monasteries in *England*, in which some think there were none but idle and lazy Lubbers, should have industriously taken Care to have their Leger-Books, and Volumes of their Charters, continued down from their first Rise, to their last Dissolution: A COLLEGE of Students, for so their very Seal calls them, *Scholarium studentium Oxonia*, should neither have the one of these, nor the other, 'till of very late Years; and then filled with Falshoods and Forgeries in some Places, and Errors and Mistakes in others; in some Part the Effect of Ignorance, but in others of Partiality. I cannot but blame some Men's Ignorance, but much more the By-designs and warping *Innuendo's* of others; which are never to be expected in an honest Writer, nor pardon'd when they are found there. If such Artifices can be met with in what I here publish, I beg no Pardon,

+ These are now in the Library belonging
to the Society of Antiquaries.

don, nor wish it; let but the Oversight be wink'd at, if any should be found there, and I have all the Favour I expect from the Candid Reader; And so at last, I pass on from the Defence of Truth, to the Answering and Exposing those many Falshoods and Fictions, that have been invented and propagated against it, both in elder and later Years, with great Fraud in Inventing, and as great Obstinacy in the Maintaining so publickly, as they and their Counsel have done in *Westminster-Hall*, to the Ruin and Undoing this ancient COLLEGE, as far as lay in their Power, or utmost Contrivance; and which I hope will at last turn to their Infamy and Dishonour, amongst all impartial and unbiaffed Judges.

HAVING thus dispatched and finished the first Part of my Undertaking, which was to prove that *William of Durham*, or the UNIVERSITY it self, with his Money, were the true and only Founders of UNIVERSITY COLLEGE.

I now proceed in the second Place to consider, and give a full Answer to whatever has, or I think can be urged on the other Side, by those that profess to believe that K. *Alfred* built three HALLS at *Oxford*, and placed his Scholars in them, and allowed them constant Salaries out of his *Exchequer*; and that these Payments were continued by his Successors, till they were took away by K. *Harold I*, as
some

some say, or as others, by *William* the Conqueror; and that there were some of these HALLS, and Scholars that continued successively, and were took Notice of, 'till the middle of the Reign of King *Henry* the III; about which Time *William* of *Durham* left a Legacy to the UNIVERSITY, and that they after some Time, applied that Money towards the Repairing some of those HALLS, and placing a new Succession of Scholars in them; and that this gave a just Title to the Kings of *England* to be Visitors of that COLLEGE of Common-Right, and not by their Prerogative (for by Prerogative, it must be granted on all Sides, that the Crown, whenever it pleases, may visit both the UNIVERSITIES, and every COLLEGE in them), But as I said before, not of Common Right, and as Heirs to K. *Alfred*, tho' he neither first founded nor endowed these HALLS. This Chain of Suppositions must all prove true, or if one of them be broken, all the Rest fall to the Ground. And I hope to satisfy the Readers of the great Unlikeness, or apparent Falshood of almost every one of them: In order to which I shall divide what I intend to say on this Head, into the following Particulars.

1st, I shall shew how long this Opinion was unhatch'd, and not so much as heard of in the World.

2^{dly},

2dly, I shall enquire who seem to be the first Inventers, or Propagaters of it.

3dly, WHAT Inducement drew the COLLEGE to embrace it, and at last enlarge and become Defenders of it.

4thly, WHAT Benefit the COLLEGE at first got by it, and how much they failed at the last in their Expectations from it.

5thly, I shall recite all the Arguments now alledged to defend this false Opinion, and give Satisfactory Answers to every one of them, both great and small, that seem to have any Colour, or Weight in them.

6thly, WHAT was the Cause that set these old Fables now a fresh on Foot at this Day.

7thly, SHALL shew what great Loss and Inconveniencies have happen'd to the COLLEGE, by the present Quarrels and Dissentions now on Foot there.

AND first, To shew how long this Opinion was unhatched, and not so much as heard of in the World, will be a very easy Undertaking, and consists chiefly in enumerating all those ancient and skilfull Author's Names, that make no Mention of those Matters of Fact ascribed to King *Alfred*, by the Asserters and Maintainers of this fancyful Opinion.

I shall begin with *Afferius Menevensis*, a familiar Acquaintance, and an Instructor of K. *Alfred* in the *Latin* Tongue, and who lived several Years with him in his Court; and out of Gratitude for the many Favours, and Kindnesses, he had received from that excellent Monarch, gathered the memorable Actions of his Life, which he dedicated to the King himself; in which, tho' there are many pious Works ascribed to him, as the Building of two Monasteries, one for Men, and another for Women, and his keeping Teachers, for instructing his own, and Noblemen's Children, and those that were bred up with them in his own Court: Yet there is not one Word of his Building HALLS, or allowing any Salaries to Scholars in *Oxford*.

NEXT after that Author comes K. *Alfred's* Relation *Athelwardus*, who is also silent to these Matters, so is also the *Saxon Chronicle*, and the *Annals* of *Mailros*, both supposed to be successively written by those that lived whilst the Actions they treat of were a Doing, and not when they were by-past and forgotten. In a short Time after lived *Ingulphus*, born in *London* before the Conquest, afterwards bred in the *Norman-Court*, and at last preferred by *William* the Conqueror to the rich Abby of *Croyland*, in whom, and in *Marianus Scotus* his Co-temporary, nothing to this Purpose can be met with; and in short, in the Reign
of

of *William the Conqueror*, and his two Sons, *William Rufus* and *Henry the I*, lived *Florentius Bravo*, Monk of *Worcester*; in King *Stephen's*, *William of Malmesbury*, and *Henry of Huntington*; and under King *Richard* and King *John* lived *Roger of Hoveden*; in none of these celebrated Historians is there one Word of these HALLS, Scholars, or Salaries, or the least Notice taken, or recorded of them. There remain no more Persons of Note, save a few *Chronicons*, printed at *Oxon*, and they are as silent of these Matters, as their Predecessors, and I shall therefore end with *Matthew of Westminster*, who lived 'till almost the End of *Edw.* the III Reign, and writ the *English History* 'till the Year 1307, and died 1351; and tho' both he, and all the other Historians celebrate the great Worth of King *Alfred*, both for his Prowess, Wisdom, and Piety; yet as to these HALLS and Scholars, &c. they are altogether so mute, that we may well presume that they never heard nor read of them. These I confess are but Negative Arguments; I shall therefore proceed in the next Place to consider, those positive Arguments that are alledged to this Purpose on the other Side, and who were the first Hatchers of these Fables.

AND the first I meet with, who is quoted as a Friend to this weak Cause, is *Ralph Higden*, a Monk of *Chester*, who lived in *Ed.* the III Time, and who seems first to have introduced

duced this Novelty into the World. I have not the Opportunity to consult his *Latin* Edition, but his *English* one, translated in the Age after him by *John de Triversi*, I shall give you in his own Words, with a little Variation in the Spelling only: He continued his History to the Year 1357, and died 1363. Who speaking of King *Alfred*, thus expresseth himself. *He was but a simple Grammarian, for at that Time there was not one Teacher of Grammar in his Kingdom, therefore, by the Council of Neotus the Abbot, whom he visited right oft, he was the first that ordained a Common School at Oxenford of divers Arts and Sciences, and procured Freedoms and Privileges in many Articles to that Place. He suffered none to take Degrees, or Orders, to any Manner of Dignity in Holy-Church, unless he were well letter'd or learn'd.*

I cannot well imagine what Use the Advocates of King *Alfred* will make of these Words, whether they will have them to be true, or reject them as false? If the first, we may justly take this Advantage of it, that in their Judgment, many Things long believed, and as readily reported, may prove all Falsities, and groundless Fables; and all the Stories of *Greek Lade*, and *Latin Lade*, and *Bellofitum*, and the like, are blown away and vanished, and not a Scholar found at *Oxford*, when K. *Alfred* begun his Reign. We may also enquire
how

how this Author came by this Truth? And who he learnt it from? For there is no ancient Author, that we know of, that can be quoted for it. And I would ask further, what they would infer from King *Alfred's* ordaining a Common School at *Oxford*? If he means that he appointed an UNIVERSITY at that Place, that may be granted on all Hands, and the Report of his building HALLS, and maintaining Scholars in them, no Way promoted by it.

WHAT he says of Freedom and Privileges, is by older Historians applied only to the *Saxon* School at *Rome*; and if there had been any the like Privileges obtained for *Oxford*, we should have heard of them long before; and they would have been since produced out of the Register at *Rome*; or, found at *Oxford*, or some where else, by the earlier Historians.

FROM him I pass on to the Chronicon of *Jo. Brompton*, or as it is otherwise called, *Historia Forvalensis*, the Name of an Abby where it was found, and his Name is in it, and as most think, rather as the Owner than Author of the Book: What is to be found there, amounts to no more than what is here translated into English.

I thought it very necessary (says that Author) to insert something of that famous King (Alfred) concerning his Form and Beauty, and also the Beginning, Progress, and End of his
Reign

Reign; he being beloved by both his Parents above any of his Brothers; he remained in his Father's Court altogether illiterate; 'till the twelfth Year of his Age; yet being a docile Child, he could, when a Boy, (remember or) repeat the Saxon Songs and Poems; was a great Artist in the Skill of Hunting; he gathered Psalms and Prayers into a little Book, which he always carried about with him: But he did not perfectly understand Grammar, because at that Time in all the Western Kingdom there was not one that could teach Grammar: And therefore by the Counsel of Blessed Neotus the Abbot, he first instituted publick Schools of various Sciences at Oxford, and procured them many Privileges; and besides, this King was a great Giver of Alms, a diligent Hearer of Mass, and an Enquirer after Things unknown; he procured or sent for St. Grimbald, a learned Man, and well skilled in Church Musick from France; and called John the Monk from the Monastery of St. David's in the utmost Part of Wales, that he might be instructed, or learn Literature from them.

NOT knowing well when this History of Brompton, or Forvall-Abby was Written, I have placed it after Ralph Higden, from whom this Author seems to have borrowed what is False, and to have added out of Asserius *Maneuensis*, or his Transcriber, Matthew Westminster

minster, that is True, with some additional Improvements of his own to all Three: And therefore I am apt to believe, that I need go no further than these two Authors here mentioned; but without taking Notice of the Annals of *Hide-Abby*, or *Tho. Rudborn's* fabulous Accounts, and others that copied from both; I allow these to be the two likeliest Persons, who first usher'd in the fictitious Parts of this Story, and gave occasion to those further Enlargements that were shortly after made to it: Amongst which, I must own, to their Shame, that our Predecessors in UNIVERSITY COLLEGE, have had a large and lending Hand; not only by embracing what those credulous Persons had framed, or reported; but by inventing also all, or most of those fraudulent Circumstances that are now, and have been long before spread Abroad in the World: But that I may not charge the Society to have done all this out of Ignorance, or a Delight in Lies and Forgeries above other Men, I shall next proceed to the third Particular.

4dly, WHICH was to shew what first induced the COLLEGE to embrace this Opinion, and afterwards enlarge it, and at last to be the chief Asserters and Defenders of it. In speaking to which, there is so large a Field of Matter, that I must divide it into

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several

several Parts: And the First is, what induced the COLLEGE to embrace it, which might indeed be done in a few Words, if this were only intended as an Introduction to what should follow; but being to inform the Society, or at least the reclaimable Part of it, I must relate to them at large, what I believe none of them are fully apprized of, or how the COLLEGE came by these Lands, which occasioned several long and chargeable Suits; and set the COLLEGE upon flying to those evil Arts and Methods (as has also been lately done) which turned a good Cause into a bad one, and made an honest Purchase appear at last a fraudulent Invention, and a long continued Chain of Forgeries and Impostures, as if their Claim at first had been built upon them, when it was only thus fraudulently defended by them.

AND the better to understand this long Story, we must run as far back as the first Statutes, or Inquisition, which informs us, That near half of *William of Durham's* Legacy to the UNIVERSITY, was laid out by them in purchasing Lands, or Rents in *Oxford*; but the better Part still remained, partly in the Hands of the UNIVERSITY itself, and partly lent out to the great Men, or Peers of the Land. Now how, or when all this Money was got in again, is uncertain; but it appears, that a considerable Sum was
at

at last lodged in the Hands of *Laurence Radeford*, and some other of the Fellows, who bought a large Estate at *Oxford* with it, (which cost 160*l.* and was then let at 15*l.* a Year, and if at Rack-Rent, would be worth ten Times as much in this our present Age) which was at last by *Radeford* transferr'd to the COLLEGE in the Year 1361.

I know that the new Register of the COLLEGE, which one Part of the Society endeavour now to set up as a true one, beginning with King *Alfred* as the Founder of the COLLEGE, a Year at least before the best Historians allow him to be King, viz. A^o. D,CCC,LXX, makes *Laur. Radeford* the Donor, or Benefactor, who bestowed that Estate on the COLLEGE; but whoever reads and understands that Deed, will be of quite another Opinion, and find he was no more than a bare *Trustee*, employed by the COLLEGE to purchase it; and *John Gonewardby*, whose Lands these formerly were, is also in that Register made a Benefactor, or Donor of the very same Lands; when he was only in Truth the unjust Conveyer of them to the Persons, of whom *Radeford* and two other Fellows had purchased them: (and I have some Reason to suspect that Deed of his to be a Forgery also). Nay, this Register-Maker, is so far from deserving to be believed in what he says of King *Alfred*, *Radeford*, or *Goneward-*
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by, that he has most ignorantly, if not unjustly said there, that the Money given by *William of Durham* to the Chancellor and Scholars of the UNIVERSITY, was CCCC Pounds; with which Rents were bought, in *Oxford*, for the Maintaining of two Fellows; in which two or three Lines, are so many Blunders and Falshoods, that I am ashamed to expose them to the World: For first, here is a spurious Deed made use of for a true one, and then the very Words of that false Deed, lamentably falsified also; (like putting Colour upon Colour) for the false Deed multiplies CCCX Marks into CCCC Marks; and the Register-Maker Augments these CCCC Marks into CCCC Pounds: And again the Deed says, it was for the Exhibition of six Masters of Art; the Register-Framer for two only; robbing thereby the Founder *William of Durham*, that he might lavishly bestow what was not his own upon King *Alfred*: It is therefore no wonder, if such *Album's* as these, fill'd with the blackest Lies, and defended and managed by an equal Part of the Society, and with the ablest Counsel to support them, should gain a Judgment in *Westminster-Hall*, upon a very erroneous Verdict.

An Account of the Purchases made with William of Durham's Money, omitted in their proper Place, and inserted here, to make Way for the unfortunate Purchase made by Laurence Rade-ford, A^o. 1360.

I Have in the foregoing Part given a Relation of what Purchases were made by the UNIVERSITY with the Founder's Money, before the Remainder of it was transferred into the Hands of the Society, (A^o. 1280) to be managed by them, in buying additional Estates, to those the UNIVERSITY had before purchased for them; I shall now give these according to the Course of Time in which they were bought; and for Brevity Sake often omit the Title of *Master*, every where given to the Purchasers; for they were, as I conceive, always Fellows and Masters of Arts; other Persons, without a Dispensation, being incapable of being chosen; leaving out also the Terms *de* and *of*, which denoted the Places where they were born, and from which they were usually called, or denominated.

THE First of this latter Sort I meet with in the COLLEGE-Treasury, was dated in the Year 1307 *July* 2. By which *Thomas Sale-burft*, Beadle of the UNIVERSITY, transferred a Messuage and Edifices belonging to it,

it, which was bequeathed him by *Reginald* the Beadle, and formerly belonged to *Wymond* the Linen-Draper, lying in *St. Peter's* Parish, to these four following Masters, *viz.* *Roger Bruges*, *Hugh Warkenby*, *Robert Kychely*, and *Adam Burlie* (or *Burlegb*) obliging them to pay to the Scholars of *Mr. William* of *Durham* six Marks yearly. Dated A^o. 35 *Edw. II.* the Son of *Henry*, concurrant with the Year M, CCCVII. These are the Words of the Deed in *English*. And I was a long Time of making any Thing of this Grant; because this House seemed to be our own before, being charged with paying the College XV s. yearly, and in the Survey being also charged with other Payments, so that it is said to be worth no more than what was paid out of it; But it happened that whilst I was writing this Discourse, and consulting one of *Mr. Twine's* Manuscripts, of most of which I had Copies by me, concerning *Reginald Legh's* Gift to the poorer Scholars of the UNIVERSITY; upon which I have made Remarks upon *Mr. Wood's* Account thereof. A^o. 1294. I some Days after, upon consulting another M. S. of the same Author *Mr. Twine*, I found a Copy, or Abstract of *Reginald's* Will also; in which, beside what was given to others, he mentions *two Houses* in *St. Peter's*, which he gives to *Thomas* the Beadle of the UNIVERSITY: Now from these two Passages I conceive, that one of these two Beadles

dles had bought the Houses of *Wymond's*, and rebuilt them, and at last, this Year, gave, or sold them to the four Masters above-mentioned; for the two Houses are still in the Possession of the COLLEGE, tho' both lett for much less than here they are valued at, by him that gave, or sold them.

A^o. 1307, *July 25*. The second House was bought of *William Leyghton*, Vicar of *Goddington*, and lay in *Sckydiard* (now called *St. Mary Lane*) in *St. Mary's* Parish: The Persons he passed the Tenement too, were the last Masters mentioned in the foregoing Deed, viz. *Hugh, de Sancto Ivone, Robert, and Adam*; this House was then, or at least afterwards, called *St Edward's-Hall*, and as I find in the *Bursar's-Rolls*, A^o. 1381, was rented at XXXs. but such was the Decay of Scholars, and Scarcity of Money, that in the Year 1486, it was sold to *Oriel College* for ever, under a quit Rent of 4s. which they still yearly pay for it to UNIVERSITY COLLEGE.

A^o. 1307, *July 25*. The same Person afore-said, passed to the three Masters afore-mentioned, another House in *St. Peter's*, called then, or shortly after, *Maiden-Hall*; which in the Year 1381, was rented at 13s. 4d. but in the Year 1388, it was sold to *Bp. Wickham*, and now makes Part of the *South-Side* of *New-College Cloyster*: The Annual Rent, by Agreement with the Founder, was 10s. which

ten Shillings was then in Weight equal to thirty of our Shillings; but in Value, as at that Time, was equal to what four Pounds in our present Money is now; by which the COLLEGE may be said to be wofsted above 3 *l.* 10 *s.* *per Annum.*

A^o. 1311. The fourth Purchase was bought of *Tho. Sowy*, and consisted of one House and a Yard in *St. Peter's* in the *East*, and lay on the *South-Side* of *New-College-Lane*, and is now enclosed into *Queen's-College*: The Persons Names that bought it, were *Adam Bourlegb*, *Jo. Lockington*, and *Hugh de Sancto Ivone*. This House was sold on the 19th of *May*, 1340, *Dno Roberto de Eglesfield*, which shews, that the Founder of *Queen's* was only Batchelor of Art, or in Holy Orders. This Deed I my self, have seen and Copied it in *Dr. Holton's Lodgings*, and it is sealed with the COLLEGE Seal, whose Inscription was the same I have given an Account of before: But the present Provost being, as I suppose, on that Side, that takes *K. Alfred* to be Founder of the COLLEGE, he could not be prevailed on to produce it. I find, in my Notes, that because this was the ancientest Deed, still extant that we know of, that had our Seal to it, I noted (which was not usual with me) the Day and Year when I saw this Deed, which was the 6th of *July*, 1699.

A^o. 1332 *June* 22. The 5th Purchase was
that

that of *Spicer's-Hall*, bought ~~by~~ the Heirs of *Adam Feteplace*, by *William Nadale*, and *Robert Paterington*, where the COLLEGE now stands, and of which I have given an Account in the preceeding Pages; it was passed to the COLLEGE A^o. 1332.

A^o. 1336, July 7. The 6th Purchase was that of *Rose-Hall*, and *White-hall*, lying in *Kybald-street*, in *St. John's* Parish, passed by *Alice*, the Daughter of *Walter Crendon* to *Robert Patrington*, and *Jo. Pokelington*, and now also makes the ~~fourth~~ Part, or Grove of *South* that COLLEGE, planted with Walnut-Trees, when I was first *Bursar* of the COLLEGE; but as I hear, is now cut down and destroyed.

A^o. 1336, July 21. *Ludlow-Hall*, the 7th Purchase in *St. Peter's* Parish was then passed to the aforesaid *Robert Patrington*, and *John Pokelington*, now included in the COLLEGE, and rented A^o. 1366 at 2 l. 13 s. 4 d. *Then*

A^o. 1353. May 30. The 8th Purchase, was that by which *Roger Lodelow* passes *Olyfant-Hall*, otherwise *Unicorn-Hall*, to *Mr. Laur. Radeford*, it lay in *St. Mildred's*, between *Brazen nose*, and *Lincoln College*; in the Year 1381, it was so decay'd and ruin'd, that the Rent was only 4 s.

A^o. 1353, May 30. The 9th Purchase was that by which *John Stillego* of *Hereford*, passed to *Mr. Roger Ashwardby*, a Tenement called *Staple-hall*, in *St. Mildred's*-Parish: This HALL stood

stood the most East of the three HALLS the COLLEGE had together; and in the Year 1381 was rented at XL Shillings, it was also sometimes called *St. Thomas's Hall*.

A^o. 1353, As I suppose, the 10th Purchase was that of *Aula Scuti*, or *Sheld-ball*, this as appears by another Deed relating to it, stood between *Oliphant-Hall* on the West-Side, and *Staple-Hall* on the East, was rented A^o. 1381 at 40 s. but the Deed by which it passed to the COLLEGE is lost.

A^o. 1357. After *March* the 25th, the 11th Purchase was passed by *John Hertwell* and *Alice* his Wife, under the Name of a Tenement called *Stanton-Hall*, in *St. Mary's* Parish, to *Roger Aswordly*, and *Laur. Radeford*; This stands the next House but one to the COLLEGE, and is called the three *Tunn Tavern*, its Rent A^o. 1381 was XLVIII s.

A^o. 1357, *May*, 1. *J. Bereford* and *Agnes* his Wife, passed a Tenement called *Hampton-Hall* in *St. Mildred's* Parish, to *Roger Ashwardly* and *Laur. Radeford*; the Rent was 1381, 3 l.

A^o. 1360, *Aug.* 15. *John Bereford*, passed a Tenement, afterwards call'd *Sykle-ball*, in *All-hallows* Parish, to *Mr. Wm. Wilton* and *Henry Hopton*; these two last Tenements, tho' in several Parishes, stood next one another, and are now Part of the lesser Quadrangle of *Lincoln COLLEGE*, where their Chapel stands; this last was rented A^o. 1381. at XV. Shillings. Here, (at least

least in Part) ends the fifteen or sixteen HALLS, and one *Introitus*, which Scholars rented and lived in; of which, 3 were bought by the UNIVERSITY, and 13 by the Fellows of the COLLEGE, before the great Purchase made by *Laur. Radeford*, &c. in the Year 1360.

I have neither given the *Prices* nor *Rents* of most of them, before the Year 1381, because the *Prices* after *Hen.* the III Time, are scarce ever mentioned in the *Deeds*, neither have we any of the *Bursar's* Rolls now remaining of older Date, and therefore at that Year, I will give an Account what yearly Rents came to the COLLEGE arising out of the Purchases made by *William* of *Durham's* Money only.

THE Rent of all the 16 HALLS in that Roll, amounted to 22 *l.* 8 *s.* exclusive of 15 *l.* *per Ann.* arising out of the Houses and Lands bought by *Laur. Radeford*, and also what was given by *Phil.* of *Beverly*; and therefore add to the 22 *l.* 8 *s.* the Rents of Chambers, paid by Fellow Students, but not of the Foundation, which was 4 *l.* 18 *s.* the Total will be 27 *l.* 6 *s.* sufficient, if the Money had been laid out in Lands and not in Houses, very amply to have maintained eight Fellows of *William* of *Durham's* Foundation to this Hour; but as it happened, if all future Benefactors had not still added somewhat to what the COLLEGE had before, they would, by this Time, have been reduced to a miserable Condition; for I shall

shall here observe, beside what I have said before, concerning St. *Edward's Hall*, that A^o. 1381, when Money was reduced to a fifth Part less than it was before *Ed. III* Time, and therefore must be reckoned a *fifth* Part less than it wou'd have been before the Weight of Money was chang'd, and therefore would answer no more of our present Coin, then 12 *l.* now does, by which Changes of Time and Money we now receive but the 60th Part of what that House was formerly lett for.

I find also that *Hampton, Sykle, and Oliphant Halls*, which in the Year 1381, were lett for 3 *l.* 7 *s.* which was at that Time little better than half the weight that Money was formerly; and so must not be reckoned at much more than five Times the same Sum was, before the Money was alter'd; which would be 16 *l.* and better, and are now lett by a Lease, dated 1463, at 2 *l.* 6 *s.* 8 *d.* which at this Day is but about a 6th Part in Value of what it was lett for, when the Lease was granted to that COLLEGE. So that the Value of Money being so changeable, it was a great Oversight in the Bishops, when ever they settled an Allowance to Vicars in Money, since Coin is so alter'd, that it comes not to above a 6th or 7th Part of so much as was really intended for them, if the Vicarages be as old as *Richard* the 2d's Reign.

I now come in the last Place to speak of
that

to Lincoln
college

that unfortunate Purchase of *Laur. Radeford*, and others which occasioned that absurd *French* Petition, that has been the Occasion of so many false Reports in the World, since the first Delivery of it; for not as yet to mention counterfeit Charters, the first true one I meet with, is a Deed from *Jo. de Gonewardby* to Mr. *John de Wormenhale* and *John Maglu* of *What-* *Mah*
hamstede, dated after *Sept.* the 1st 1359: These 2 Persons afterwards pass the same Lands to 3 Masters, viz. *Laurence Radeford*, *William Wymundam*, and *Henry Hopton*, dated 25th of *April*, 1360. I suppose *Wymundam* and *Hopton* might pass over their Right to *Laur. Radeford* afterwards.

LAUR. Radeford, passes the same Houses and Lands to the Scholars of UNIVERSITY HALL in *Oxon*, 5th of *June* 1361, under the Names of 7 Messuages, 8 Shops, 12 Acres of Land, 25 of Meadow, and 1*l.* 4*s.* 5*d.* Quit-Rent, with some other Gardens and Granges: The Worth of all which, as I find in the *Bursar's* Roll 1381, by their Rents amounted to 15*l.* odd Money: The Deed was for two Parts in Possession, the third was in Reversion after the Decease of *Robert Mansall* and *Maud* his Wife, Relect of *Jo. Goldsmith*. I have put all the Lands together, tho' divided in the Deed; and must take Notice that no Person is appointed to be prayed for, but *Robt. Caldewell*, for whom there was a Chaplain

lain to be appointed at first; and also the Deed gives half a Mark to every Fellow yearly, and what remained was to go toward the crease of more Fellows in the Society.

HAVING mentioned *Robert Caldewell* left out of the Catalogue of Benefactors, and *Radford* and *Gonewordby* falsely put in his Room; I shall take Occasion to speak of the two Benefactors after *William* of *Durham*, that went next in Order before *Caldewell*: The First of which, that ever I read of, (omitting King *Alfred*, from whom we never had either Penny of Money, or Foot of Land; and making no further Remarks upon what the Reverend the Maker of the Catalogue of Benefactors writ, then what I have occasionally done already, save that a Donation of 400 *l.* about the Year 1200, was fitter to have bought Lands for the Sustaining of 20 then two Fellows,) and proceed to the third in that Register, *Philip* of *Beverley*, who is there said to have given us a Mill, and Lands in *Holderness*, in the Year M,CCC,XXXIX, that Gift being confirmed by the Letter Patents of of K. *Edw.* the III.

IN this Account there are two Mistakes, one in the Year, the other in the Person that granted the *Mortmain*, and an Omission greater then either, as will be found when I give a Narrative of this Matter: In order to which, I must give an Account of the first
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Letters Patents that the COLLEGE had, and those were not granted near the Year 1339; but in the Years of Grace 1317, and are to this effect in *English*.

EDWARD by the Grace of God, King of England, and Lord of Ireland, and Duke of Aquitan, to all to whom these Present Letters shall come Greeting: *Altbo'* by the Inquisition we have made by our Escheator beyond Trent, we have received Account that it will be to our Loss and Prejudice, if we Grant License to Mr. Philip of Beverly, that he may assign one Mill, five Bovates and a half, and three Acres of Land, and two Tofts, and their Apurtenances in Paghel and Kayngham, in the County of York, to the Masters and Scholars continuing and studying in the Hall of the UNIVERSITY of Oxford; to have and to hold to the said Masters and Scholars, of the said Hall of the UNIVERSITY, for the Augmentation of the Number of Scholars, and sustaining of them for ever; In this, to wit, that of one Mill, 3 Bovates of Lands, and two Tofts, with their Purtenances, (except five Acres of Land in Paghel) which are held of us by Knight's Service of the Honour of Albemarl, now in our Hands by Service Military, keeping Marriage, Ward, and Escheats, if the Case should happen: Yet we being willing to shew special Favour to the aforesaid Mr. Philip, and the said Masters and Scholars of the
said

said Hall, we have granted and given leave for us and our Heirs, as much as it in us lies, to the said Master Philip, that he may give and assign the said Mill, Lands, and Tofts, and Purtenances, to the aforesaid Masters and Scholars; **TO HAVE**, and to hold, to them and their Successors, Masters and Scholars, Commorant and studying in the same Hall, in the said **UNIVERSITY**, for the Encrease of the Number of the said Scholars, and their Sustentation for ever; And to the said Masters and Scholars, that they, the said Mill, Lands, and Tofts, from the said Master Philip may receive and hold to them, and their Successors aforesaid for ever; the Statute of not putting Lands into Mortmain, notwithstanding; In Witness whereof, we have caused these our Letters to be made Patents; Witness our selves at Westminster, 27 Jan. the XI Year of our Reign. Subscribed,
per ipsum Regem

Soleby

Duplicator.

AFTER this Grant I find accordingly a like Grant from Philip of Beverly with this Difference, that he gives Grants and Confirms to the Masters and Scholars of that **HALL** of the **UNIVERSITY** of Oxon who should be commorant, and studying at Oxford, or any other Place in England, if it should happen that the **UNIVERSITY** of Oxon should be trans-

transferred to some other Place: He also appoints the Masters, Scholars and their Successors, to pray for his own Soul, and the Souls of *Robert Ingleberd* his Father, and *Alice* his Mother, Mr. *William Burnel*, and *John le Grass*, and the Lady *Devorgull Balliol*; and obliging the Society to chuse and maintain *eth* two Scholars, or Masters, born near *Beverley*, &c. and to pay *Sibil*, formerly the Wife of *Stephen* of *Pagula*, yearly, for her Life, sixty Shillings, and whilst she lived he only obliged them to maintain one Scholar, and pay, or exhibit to his Scholars as they do to themselves; and leaves half a Mark to the Senior Master, and also to his Scholars; and the Remainder to be divided amongst the Rest of the Scholars or Masters. Sealed with his own Seal, and the Seal of the said Masters and Fellows dated *Wednesday after the Feast of the Trinity*, A^o. Domini 1220. 3

THE fourth Benefactor in the same Catalogue is called *Margaret Ross*, the Relict of *Sir Philip Ross*, who gave to the Masters and Fellows one Bovate (18 Acres) of Land in *Pagula*. M,CCC,XLI.

THERE is hardly any Thing right in this Account besides the Date, for this Lady was not the Relict of *Sir Philip*, but of *Sir John Ross*; nor was she truly a giver, but rather a Confirmer of *Philip* of *Beverley*'s Grant; neither was it one single Bovate, but one Bo-

vate in *Pagula*, and half a Bovate formerly *Thomas* the Chaplain's. Neither was this done willingly ; but by the Compulsion of a Suit of Law : So that this Catalogue-Maker seems to have had the worst Luck in the World, if the Mistakes were casual ; but if designed, we may observe, he gives the fairest Characters to those that least deserved them ; omitting the five Bovates and a half of *Phil. Beverly*, which make 99 Acres, and then giving the Number of Acres in a Bovate when he speaks of the *Lady Ross*.

It was a great Omission but I suppose hardly Voluntary, that he gives us not the Names of the 7 Masters of Arts, for they have that Title given each of them in this Writ ; those who got this Writ of *Affize* against her were these : *Richard Radeford*, *Robert Patrington*, *Jo. Pokleington*, *William Cundale*, *John Sutton*, *Will. Palmorna*, and *Robert Scroton*, by which we have recovered seven of the lost Fellows of this HALL ; for they are expressly called *Scholares Aulae Universitatis* ; and what is more remarkable, *Radeford* was chosen by the Founder of *Queen's-College* to be Provost, and *Cundale* the first, and *Palmorna* the third, follows, as may be seen in *Mr. Wood's Account* of that COLLEGE, and also in *Dr. Ayliff's Ancient and Present State of Oxford*, Pag. 294, who makes *Radeford* and *Cundale* to have been bred in *Balliol-College*, from whence most of our first Fellows were transplanted, and who,
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when Masters, were obliged to leave their Places and by that Degree were qualified to be settled in our HALL; And tho' it be true as I have seen in one of Mr. *Twine's* M. S. that *William Palmorna* was before Rector of *Exeter-College*, yet the Rectorship was but annual, and our Places better than theirs, their Founder dying before that HALL was fully settled. *Palmorna* was Chancellor of the UNIVERSITY of *Oxon*, 1350.

THE fifth, sixth, and seventh, named for Benefactors in that Catalogue were none of them such; for *Patrington* and *Radeford* were only Trustees for the COLLEGE, and *Gonwardby*, that is said to have given the same Lands that *Radeford* had bought, was he that sold the Lands to those that *Radeford* bought them of; and that by a fraudulent Title also: The Errour that made the Reverend Author of this Catalogue mistake, was this; that he conceived, as I fancy, that all whoever began a Deed with *Dedi Concessi & Confirmari*, was the Donor, and not Seller of what was conveyed by it.

I shall no further consider this Catalogue of Benefactors at this Time; save only to reduce the 13th Benefactor into his due Place; who was *Robert Ripplingham*, Chancellor of *York*, who is said to have bequeathed 300 l. to the COLLEGE A^o. MCCCC, when he really was dead before the Year 1333, for on

the 12th of *July* that Year, the Masters and Fellows agreed with *Peter de Langton* to give him 40*l.* out of the 300*l.* if he could gain that Legacy to UNIVERSITY HALL; for it seems there were Disputes about it, and *Peter* never recovered it for us that I can find.

By this Time I suppose it will be very obvious (even to Men of the lowest Capacity) that neither *William* of *Durham*, nor the UNIVERSITY, nor King *Edward* the 2d, nor *Philip* of *Beverley* had ever heard of King *Alfred's Halls*, nor had the least Intention to restore them; for here is nothing in these Letters Patents to the *Scholars of the Hall of the UNIVERSITY of Oxon*, of its being founded by his Progenitors, nor of his laying any Claim to the Patronage thereof. This was unknown and unheard of in his Days; and what Possibility or likelihood was there, that it could be found any where afterwards, save in the Brain-sick-heads of some doating *Fabulators*; for you may see that the learned *Philip* of *Beverley*, in all likelihood once Fellow of the COLLEGE, and the only Dr. of Divinity (for the Term of *Master* was given to such in his Time) in the Archdeaconry of the East-Riding, and who, after his Death, was reputed a Saint, and to have wrought Miracles, (as I read in the M. S. Chronicon of the Abby of *Melsa* or *Meaux*) he, I say, was so far from fixing his Scholars in any feigned
HALL

HALL of King *Alfred's*, that he gives them leave, if the UNIVERSITY was removed, to remove with it into any Part of *England* whatsoever; therefore most certainly, that which either gave rise, or at least Continuance, to such Fables as are now, by some, believed of that Prince, was mainly owing to that unfortunate Purchase, which I shall presently give an Account of, and acquaint the Reader, what Troubles, Charge, and Infamy fell upon the COLLEGE by it afterwards.

WHAT relates to this Business, were the Story told at large, would fill a Volume; but I will shorten it as much as conveniently I can. And, because Truth is of an older Date than Falshoods derived from it; I shall begin with a true and leading Deed, which will open a Prospect to all the False ones that follow; But it must be understood by the Way, that it is one of the hundred Deeds, or Charters, some of which, I suppose, came not into the COLLEGE Possession, 'till all the Differences relating to this Purchase were over; and are made up chiefly of all the old Evidences that belonged to the two, sometime rich, Families of the *Goldsmith's* and *Gonewardby's* that once lived in *Oxford*; and the first of whom, as I take it, became Heir to *John* of *Oxford*, Bishop of *Norwich*, who died A.^o 1200, for I find some Charters, in which that Bishop's Name is mentioned, amongst those

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which.

which are now come into the COLLEGE Treasury, besides other Reasons, too long here to be related, which makes me of that Opinion.

THE first of the *Goldsmith's* that I read of I find among the numerous Charters mentioned, in a Deed of *Jeffry*, Archbishop of *York*, by which he gives to *Jeffry Goldsmith*, and his Heirs, Lands in the Suburbs of *Oxford*, which *Harry*, Chamberlain of *Roger*, Archbishop, his Predecessor, held of that Bishoprick, 'till the Archbishop should bestow on him Lands of three Marks Value; the Seal of the Archbishop appendant to this Charter is very fair; and on one Side has this Impression; *SIGILLUM GAUFREDI DEI GRATIA EBORACENSIS ARCHIEPISCOPI*, and on the Reverse, *SIGILLUM GAUFREDI HENRICI REGIS ANGLORUM FILII*. There is no Date to this Deed; but *Stephen* of *Langton*, afterwards Archbishop of *Canterbury* is in the 3d Place amongst the Witnesses, and therefore I think it older than the Year 1200. These two Deeds for the Rarity of them, and because they are elder than any in the UNIVERSITY Archives, I intend to put into the Appendix.

I afterwards meet with a Deed of Settlement of this *Jeffry Goldsmith*; among his six Sons and two Daughters, leaving Lands to most of them, and to his youngest Daughter, a Nun, in *Stodley-Convent*, VII s. a Year to buy

buy her Cloaths, (as he calls it;) which Sum was a great Allowance to a Nun, and would answer now to three Pounds ten Shillings of our Money. This Deed is witnessed, but without Date, and seems to be made in the End of K. *John's* or beginning of *Hen.* the 3d's Reign.

HAVING just before been speaking of Dates, it reminds me of what I before promised to rectify a Date of Mr. *Wood's*, whose Opinion of the COLLEGE having no Seal before the 40 of *Edward* the III, is far out of the way; for certainly it had one before the Year 1320, and he himself had seen and quoted a Deed made to *Queen's-College*, and sealed with the COLLEGE Seal, 14th of *Edw.* the 3d, A^o. 1340, so little are partial Writers to be relied upon. And because I have already spoken of *Edward* the 2d's Charter, and am coming to speak of other Matters acted in K. *Edward* the 3d's Reign; I think it proper to acquaint the Reader, that we had five Letters Patents from this latter Prince; one of which was granted the COLLEGE before it could possibly be removed into the *High-street*, where it now stands; because it bears Date 1331, and *Spicer-Hall*, by which Name that Tenement was formerly called, was not purchased 'till the Year 1332. I will, for the convincing Unbelievers, give them the Translation of the first Charter, of *Edw.* the 3d, which in *English* is, as follows.

EDWARD, &c. Greeting, Know ye that of our special Grace, for the Augmentation and Maintenance of our beloved in Christ, the Scholars of the HALL of the UNIVERSITY of Oxon, we have granted and given License for us and our Heirs, as far as lies in us, to the said Scholars, that they may receive Lands, Tenements, and Rents, with their Appurtenances, to the Value of ten Pounds by the Year, according to the true Value of the same, or the Advowances of Churches, which do not exceed the yearly Value of ten Pounds of their own Fee, as well as of others; excepting Lands, Tenements, Rents, Advowances, which are held of us in Capite. TO HAVE to them and their Successors of the aforesaid HALL, for Ever, the Statute of not putting Lands and Tenements into Mortmain, notwithstanding; provided it be found by Inquisitions rightly made and returned into our Chancery, that it can be done without any Damage or Prejudice to us, or any of our Heirs. In Witness whereof, we have made these our Letters to be Patents. Witness our self at Westminster, 12th of Oct. the 5th of our Reign.
per ipsum Regem.
Cuesh.

THESE being the first Letters Patents, and the Four others, one after another, express the Value of the Lands granted; the three Former in Part of Satisfaction of the Grant
of

of ten Pounds, and the Last in full Satisfaction for it. The Last of them being dated 35 *Edward* the 3d, A^o. 1361.

By all which it is Manifest, that King *Edward* the 3d, had either never heard of King *Alfred's* HALLS, or at least took this for none of them; for otherwise he would have distinguished which of them he had meant, the great, middle, or least HALL; but in all Likelihood he had never heard of such HALLS, and therefore Styles it, as it truly was, the HALL of the UNIVERSITY of Oxon, and neither founded by his Progenitors, nor otherwise of his Patronage, then as the Crown is Founder and Patron of all the COLLEGES, or Corporations in *England*: What Kind or Sort of Angels, or Messengers these were that brought this News to King *Richard* the 2d, that none of his Ancestors had heard of for above 460 Years before, I leave to every honest Man to pass his Judgment, or Censure upon, as he thinks fit. What follows, is all Law Business, and may be over-looked and passed by, by such as are not affected with Matters of that Nature. And now, I think, it is Time for me to relate what Troubles pursued the COLLEGE, after they had got Possession of a good Estate, by a bad and litigious Title, which I find they did not long quietly enjoy. For I met in a M. S. of Mr. *Twine's*, whose Character, or Note of Distinction

EDWARD, &c. Greeting, Know ye that of our special Grace, for the Augmentation and Maintenance of our beloved in Christ, the Scholars of the HALL of the UNIVERSITY of Oxon, we have granted and given License for us and our Heirs, as far as lies in us, to the said Scholars, that they may receive Lands, Tenements, and Rents, with their Appurtenances, to the Value of ten Pounds by the Year, according to the true Value of the same, or the Advowances of Churches, which do not exceed the yearly Value of ten Pounds of their own Fee, as well as of others; excepting Lands, Tenements, Rents, Advowances, which are held of us in Capite. TO HAVE to them and their Successors of the aforesaid HALL, for Ever, the Statute of not putting Lands and Tenements into Mortmain, notwithstanding; provided it be found by Inquisitions rightly made and returned into our Chancery, that it can be done without any Damage or Prejudice to us, or any of our Heirs. In Witness whereof, we have made these our Letters to be Patents. Witness our self at Westminster, 12th of Oct. the 5th of our Reign.
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tion is a Greek θ , p. 170, now in the Schools Tower; which first inform'd me, that an Af-fize was brought against the Master of the COLLEGE, in the Town of *Oxford* Court, for a Tenement and two Shops, and what belonged to them in *High-street*, of 48 s. Value, where the COLLEGE was cast, by *Philip Fedewell* and *Joan* his Wife; and afterwards, amongst our Writings, I met with a Deed, upon which this Trial was founded; the Deed was dated after *November*, 1 *Edw.* 2d A^o. 1309, by which, *John* the Son of *Walter Goldsmith*, grants to *John Gonerwardby*, and his Wife *Joan*, the Granter's Daughter, his middle Tenement in *High-street*, in *All-hallow's* Parish, and also 8 s. Rent in *St. Ebbes*, to them and their Heirs of *Joan's* Body.

UPON this Deed shewn to the COLLEGE, *Roger Aswordby* and *Peter Currass*, Clerks and Fellows of the HALL of *Mr. William* of *Durham*, vulgarly called UNIVERSITY-HALL, agree to give to the aforesaid *Philip* and *Joan*, for making them a Feofment of that Tenement, and two Shops, which the COLLEGE had lately bought of *John Gonerwardby*, Citizen of *London*; and also to quit Claim, all Right and Title for Ever, to all Lands, Tenements, Rents, Meadows, and Pastures in *Oxon*, or *Berks*, which were lately bought of the said *John Gonerwardby*; and pass a Fine thereof at *Westminster*, within
three

three Weeks, paying to the said *Philip* and *Joan* 40 *l.* dated 10th of *April*, 37 of *Edward* the 3d, A^o. 1363; and they accordingly made another Deed there of the same Day and Year, to *Roger* and *Peter* aforesaid.

AND they did pass a Fine, the Day after *Ascension-Day*, the same Year by which *Philip* and *Joan* passed to the said *Roger* and *Peter*, six Messuages, nine Shops, fourteen Acres of Land, and fifteen Acres of Meadow, and 21 *s.* and 8 *d.* Rent in *Oxon* and *Walton*, (a Town in the Suburbs of *Oxon*,) and xi Acres of Meadow and a half, and 15 *d.* Rent in the County of *Berks*, with Warranty; for which *Roger* and *Peter* gave to *Philip* and *Joan* one hundred Marks of Silver.

By this Fine, we may see, the COLLEGE hoped to secure their whole Estate, that they had purchased of *John Gonerwardby*; but how it happened that it did not so, I know not, save that this Claim was made upon a Grant, only for one Tenement, and 8 *s.* Rent by a Deed of the said *John*, the Son of *Walter Goldsmith*; dated in the Year 1307.

THE COLLEGE seems to have rested quiet and without Disturbance for about 14 Years; but then a fresh Writ was brought against them by *Edmund Fraunceys* and *Idonia* his Wife. dated the 12th of *April* 1377. the Plea of these two Persons for challenging the whole Estate, was founded upon a like Settlement made by

John

John Goldsmith afore-mentioned, which bears Date a Year after that which I have already discoursed of, now also remaining in the COLLEGE Treasury, of which this is the first Part.

JOHN the Son of *Walter Goldsmith* gives all his Lands, Tenements, Rents, Services, Meadows, and Pastures in *Oxon* and *Berks* to his Son *John*, and the Heirs of his Son's Body, lawfully begotten, paying to *John* the Father, for his Life yearly, 14 Marks; and secondly, for lack of Heirs of his Son's Body, he gives all the said Lands, to *John Gonwardby* and *Joan* his Wife, and the Heirs of *Joan* the Donor's Daughter for ever; with a Clause, that if they have no lawful Heirs, the Lands should return to him and his right Hiers for ever. Dated the 2d of *July*, 1 *Ed.* 2. A^o. 1308.

THUS far the first Trial and Deeds passed for one Messuage and two Shops; but it would be endless to give an Account of the Writs and Trials passed afterwards for the whole Estate, which was valued as, I find, by the *Bursar's* Rolls, A^o. 1381, at 15 *l.* and something over; and this agrees very well with the two Deeds afore-mentioned; the one Part being rated at 3 Marks, and 8 *s.* and the other at 14 Marks, which put together makes 11 *l.* 14 *s.* 3 *d.* and whatever the Lands granted to *John* his Son might be worth more, then he was to pay his
Fa-

Father for them; for these Trials were moved from *Westminster Hall* to *Oxford*, by that Place claiming the Privilege of *London*, and that no Suit, whether of Freehold, Bargain, or Trespas, lying, or begun there, could not be tried abroad, or out of the Mayor and Bailiff's Court at *Oxford*; and accordingly the Suit begun at *Westminster*, A^o. 1378, was removed to *Oxon*, Monday after the Feast of *Trinity*, the same Year, where the Cause passed for the COLLEGE Tenants *sine die*; that Court having first, upon the Desire of Sir *Robert Trisilian*, one of the Judges, admitted one *Leech* an Attorney for *Idonia*, (her Husband, *Edm. Fraunceys* being present in Person) and enter'd him in the Court accordingly; the Tenants being willing, if the Court thought fit to proceed in the Cause; but the Court afterwards, for this legal Defect in the Prosecutors dismissed it.

SHORTLY after this Dismission of them, appears a new Writ of Errour, dated 12 *July* 2 *Rich. 2.* A^o. 1378, by which the Cause was called back to the King's Bench, and after the Return of the Procefs, the former Trial is judged erroneous and invalid; this Procefs, as likewise the former, is of great Length, and sets forth the Fashion of Trials in those Days, which possibly are not much different in ours.

I find no remains in our Treasury how these Matters went on, 'till the 12th of *March*, or
May

May, 4 Rich. 2. A^o. 1381, in which I find a Writ directed to the Sheriff, Mayor, Baliffs, Coroners and Bergeffes of Oxford, setting forth, that the King was moved at the Desire of the Masters and Scholars of the COLLEGE, vulgarly called Mickel UNIVERSITY-Hall, which is of the Foundation of our Progenitors, sometime Kings of England, and of our Patronage; that since Edmund Fraunceys and Idonia his Wife, had recovered certain Lands, Tenements, and Rents from their Tenants, that held only for Life, by Collusion and Default, the Reversion of those Lands being in the COLLEGE, in Wrong to our COLLEGE, and manifest Danger of the said Masters and Scholars; who for preserving this their Right, intend to prosecute their Cause before the Mayor. Bailiffs and Coroners in the Court of that Village, in the Form of Law. we are moved to put too our helping Hand. Now we being willing to assist the said Masters and Scholars, as far as by (Law or) Right we can, we desire and command you, and every of you to give your aid and effectually oversee, that in the Pleas to be moved in the Court of your Village, betwixt the said Masters and Scholars, and any others, concerning the Lands and Tenements aforesaid; that Things be so providently, duly, and circumspectly governed, managed and and held, that no Disinheritance, or any Prejudice happen to us, or the aforesaid COLLEGE,

LEGE, least by or manutention of some
 something against Justice should
 any Way be done or brought to pass, Witness our
 self at Westminster the 12th of March or May,
 Anno Regni nostri 4to. A^o. 1381.

THE next Writing I meet with, is at a
 Trial in the Common Pleas, upon a Writ da-
 ted the 10th of October, 6 R. 2. directing the
 Court to admit two Attorneys for the COL-
 LEGE, to supply the Default of one of their
 Tenants, in not appearing. Thereupon the
 Cause goes on; and Edmund and Idonia de-
 mand against the COLLEGE seventeen Acres
 of Meadow, which John Goldsmith gave to
 John his Son and the Heirs of his Body, and
 if he died without such Heirs, to Joan his
 Sister, and the Heirs of her Body, and John
 the Son dying without such Heirs, the Lands
 came first to Joan, and then to Thomas her
 Son, and from Thomas to Henry his Son, who
 also dying without Heirs, &c. to Joan Hen-
 ry's Sister, and Heir, and from the last
 Joan, to Idonia, the Daughter of the last
 Joan, who now claims: To this Plea the Ma-
 sters and Fellows deny such a Deed of Settle-
 ment and Procefs, as is set forth in their Writ
 and Narration; and so put themselves upon the
 Country. I have here mentioned the Plaintiff's
 Plea, because I had upon another like Trial
 for Lands in Oxford, omitted it in its due Place.

THIS

THIS *Thomas* here mentioned, I take to be the same *Thomas Gonewardby*, who was Son to *John Gonewardby*; but then it seems something strange, that *Thomas*, or his Heirs, did not sooner sue; when *Philip Fedewell* and *Joan* his Wife did sue for the Land, or Tenement, settled upon them fourteen Years sooner. In answer to which, I think this possibly may be replied, that *Thomas Gonewardby*, before *John Goldsmith* first in the Entail, was dead, and had by Fine, and Vertue of the Deed of 1307, passed the Tenement, and two Shops to his Daughter *Joan Fedewell*, 14 Years before the latter Entail, dated A^o. 1308 took Place; otherwise, I must confess I do not perfectly understand their several Titles, at such a Distance of Time, one from another.

THE next immediate Writ from the King to the Sheriff of *Berks*, is to distrain twenty seven Persons, to be at *Westminster* to try a Cause betwixt the aforesaid *Edmund* and *Idonia*, and the Masters, and Fellows of the great HALL of the UNIVERSITY of *Oxon*, and in the mean Time to have their Bodies at *Westminster* in the Octaves of *Trinity*, or else on *Friday* after the 12th of *March*, according to the Statutes at Graund-pount by *Oxford*; and to hear Judgment for several of their Defaults made before.

FOR the better Understanding this Writ, I must acquaint those that are Strangers to it, that

that in those Days I conceive there was but one and the same Sheriff, both for *Oxford* and *Berkshire*, and that the Place here termed *Graund-Pount*, seems rather a Part both of *Ox-* &
ford and *Berkshire*, and that the Buildings being continued with *Oxford* Town, and a very small Stream of the River parting them; so the Justices of *Nisi Prius* seem'd almost to hold their Assizes in one and the same Town, tho' the Counties were different wherein their Courts were held.

NEXT, I meet with a Writ dated the 12th of *October*, 9 R. 2. A^o. 1385, by which the Master and Fellows of the great HALL of the UNIVERSITY of *Oxon*, are commanded without Delay to give *Edmund Fraunceys* and *Idonia his Wife*, seventeen Acres of Meadow, in *Graund-Pount*, in *Berks*; and if they do not, to summon the said Master and Scholars, that they appear before our Justices at *Westminster* XV, to shew Cause why they do not, 12 Oct. A^o. Regni nostri nono.

THE Thing that next occurs observable, is the Statute for bringing Writs of Errour or Attaint for Persons in the Reversion; by which we learn that there were two Writs of Errour given against the COLLEGE in the King's Bench; and tho' other People could not have the Advantage of this Act, 'till the Time to come; yet the Benefit of it was allowed to the COLLEGE for what was passed,
 I and

and they had Liberty to bring either a Writ of Errour, or Attaint, against the Proceedings that were passed between *Edmund* and *Idonia*, and the Master and Scholars of the COLLEGE of UNIVERSITY Hall, in Oxon.

AFTER so many and long Preparatives we are come at last to the famous *French* Petition, which was partly the Effect of some, and partly the Cause of many other fabulous Reports, concerning King *Alfred's* founding HALLS, and endowing them with Stipends in *Oxford*. But first I think it will be proper to take Notice of the few following Particulars, *viz.*

I suppose that the COLLEGE maintained their Cause as long as there was any Life in it, by their true and genuine Deeds; And then afterwards, supposing, or fancying their Adversaries Deeds might be forged; they thought it best to encounter them with Weapons framed out of the same Forge; to give the best Interpretation I can, they either followed the bad Advice of Evil Counsellors, or without Counsel forged such Deeds as were never likely to pass currant amongst understanding Lawyers, or upright Judges: For there are so many false Deeds all tending to support an unjust Title, that I know not well where to begin with them; But passing by three or four of the same Leven, whereby Roger Ferroure passes to Henry Ferroure, Son of his Brother George Fer-

Ferroure, 9 Messuages, in several Parishes, and a proportionable Quantity of Lands and Meadow, &c. without Date, but with several Witnesses. But this Sort of Trash I shall pass by, and give you only the last of them, which is the shortest and most remarkable amongst them, which in *English* is as follows: It is as long again as it is broad, which does not often happen in ancient and genuine Charters.

TO all the faithfull in Christ that shall see, or hear this my Charter, Henry le Ferroure, of Oxford, eternal Health in the Lord: Know ye all, that I have given granted, and by this my Charter confirmed to Jeffry Goldsmith, called Orfevere, Burgefs of Oxford, my Manor-house, in which I live, with four other Tenements above the Corner of the Church of All-Saints, in Highstreet, towards Carfax, and one Grange behind the Garden in Cheney-Lane, and all other my Tenements, Lands, Meadows, Messuages, Cottages, Tofts and Crofts, and all other Rents which I ever had of the Gift and Feoffment of Warin of Dorchester, Hugh of Wenden, Walter of Grendon, Wymund the Linen Draper, and Robert of Warmenhale, and all others which by Inheritance, or any other Title, can come to me in Oxford, or the Suburbs thereof, in the Meadows and Fields, or Places adjoining, as well in the County of Oxford as Berks, whose Situations and Abuttments in divers

vers Writings deliver'd to him, are plainly and fully contain'd. TO HAVE and to Hold to the aforesaid Jeffry Goldsmith, his Heirs and Assigns, whatsoever and wheresoever; except Jews, to give, bequeath, sell, mortgage, or alienate whatsoever Way he pleases, freely, quietly, well, and in Peace without End; rendering to the Lords of the Fees the Services thence due, and of Right accustomed, and that this my Grant or giving of Seisin, may remain firm and Stable for ever, I have confirmed this my Writing with my Seal before these Witnesses, Sir John of Colleshill, Philip of Hoo, John Pady, Adam Cruft, (18 in all) and many other Neighbours seeing and assisting; Given at Oxon on the Feast of St. Laurence, in the 2d Year of the Reign of Richard the First, after the Conquest. (i. e. Aug. 10. 1190.)

NOT only the Words *post Conquestum* in that Age shew that it is a spurious Deed, but the calling any King the *first*, before there is a *second* is absurd, and never used in any Writing. It is strange, that any Persons that believed a God, or hoped for Salvation in Christ, should prophane those holy Names by such a Counterfeit and forged Charter.

AFTER the General Deed of Henry Ferrour's, which I believe was intended to serve more Turns than one, I meet in the 2d Place with

with as unusual a Deed as the former, the Purport of which is this that follows.

JEFFRY Goldsmith owns that he had received of Gilbert Gonwardby, the Loan of a Thousand Pounds, and for Security thereof, does Mortgage to him all his Lands, Tenements, &c. in Oxon and Berks, and Covenants to pay him the like Sum, upon a certain Day herein assigned, sixteen Years after; with a great many other Covenants of giving his Oath for Performance, and subjecting himself to Ecclesiastical Censure and the like; and therefore for better Evidence of the Validity of this Deed, with his own Seal, he procures also the Seals of the Chancellor of Oxon, and the Dean of Christinity; it is witnessed by many, and dated at Pentecost, A^o. R. R. Henrici fil. R. Johannis post conquestum Angliæ 17^o. (A^o. 1233.) I think the Seals are as counterfeit as the Deed itself.

A third Deed (the next after this) imports, that,

GILBERT Gonwardby, upon Jeffry Goldsmith's failing to repay the Thousand Pounds lent him, at the End of the 16 Years appointed, had seized on all the Lands, &c. mortgaged to him, and was in Possession thereof; but considering the great Losses and Misfortu-

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JEFFRY Goldsmith owns that he had received of Gilbert Gonwardby, the Loan of a Thousand Pounds, and for Security thereof, does Mortgage to him all his Lands, Tenements, &c. in Oxon and Berks, and Covenants to pay him the like Sum, upon a certain Day herein assigned, sixteen Years after; with a great many other Covenants of giving his Oath for Performance, and subjecting himself to Ecclesiastical Censure and the like; and therefore for better Evidence of the Validity of this Deed, with his own Seal, he procures also the Seals of the Chancellor of Oxon, and the Dean of Christinity; it is witnessed by many, and dated at Pentecost, A^o. R. R. Henrici fil. R. Johannis post conquestum Angliæ 17^o. (A^o. 1233.) I think the Seals are as counterfeit as the Deed itself.

A third Deed (the next after this) imports, that,

GILBERT Gonwardby, upon Jeffry Goldsmith's failing to repay the Thousand Pounds lent him, at the End of the 16 Years appointed, had seized on all the Lands, &c. mortgaged to him, and was in Possession thereof; but considering the great Losses and Misfortu-

vers Writings deliver'd to him, are plainly and fully contain'd. TO HAVE and to Hold to the aforesaid Jeffry Goldsmith, his Heirs and Assigns, whatsoever and wheresoever; except Jews, to give, bequeath, sell, mortgage, or alienate whatsoever Way he pleases, freely, quietly, well, and in Peace without End; rendering to the Lords of the Fees the Services thence due, and of Right accustomed, and that this my Grant or giving of Seisin, may remain firm and Stable for ever, I have confirmed this my Writing with my Seal before these Witnesses, Sir John of Colleshill, Philip of Hoo, John Pady, Adam Crust, (18 in all) and many other Neighbours seeing and assisting; Given at Oxon on the Feast of St. Laurence, in the 2d Year of the Reign of Richard the First, after the Conquest. (i. e. Aug. 10. 1190.)

NOT only the Words *post Conquestum* in that Age shew that it is a spurious Deed, but the calling any King the *first*, before there is a *second* is absurd, and never used in any Writing. It is strange, that any Persons that believed a God, or hoped for Salvation in Christ, should prophane those holy Names by such a Counterfeit and forged Charter.

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nes of Jeffry Goldsmith, out of Commiseration and pity to him, and the Patience with which he bare them; Gilbert restores to Jeffry, all the Lands so mortgaged to him, during the whole Term of Jeffry's Life; reserving to himself (Gilbert Gonwardby) his Heirs and Assigns, the Right he had to the thousand Pounds, and the Inheritance after Jeffry's Death to his Kinsman John Gonwardby, and his Heirs and Assigns for ever; with Power to any of them to give, bequeath, sell, or assign, or mortgage, the said Lands, &c. at his, or their Pleasure. Sealed with Gilbert's own Seal, and the Seal of the Dean of Christianity in Oxon. Witnessed by ten several Persons. Dated on the 20th of July, in the Reign of Henry the Son of John. But then *post Conquestum* and the Year of the King is scraped out. I need not observe that the Former Deed is spurious, because *post Conquestum*, before the Year 1326 is in it, for not only the Raizure, but the Matter of both these Deeds discovers their Falsity; for would any considerate Man take a Mortgage for a thousand Pounds for 16 Years for nothing; or if truly lent, take a Mortgage for a Thousand Pounds, of such Lands as when sold, yeilded the seller no more than 160*l.* at most.

BUT from these three foregoing Deeds I pass on to a fourth, as incredible as any of those

those that went before. The Contents of
of which, in Effect, are as follow.

JOH N and Walter Orfevers or Goldsmith,
Brothers and Burgesses of Oxford, agree
with John Gonwardby Mercer in Oxon, 1st,
That John Gonwardby should remit to the two
Brothers all the Damages, and Expences laid
out in divers Suits, about the 1000 l. Bond, which
their Grand Father Jeffry stood obliged in, to
his Uncle Gilbert Gonwardby. 2dly, John
Gonwardby grants to the 2 Brothers, John and
Walter Goldsmith, for the Term of their Li-
ves, and the longer Liver of them ~~does grant~~ &
quiet and peaceable Possession of all the Lands,
Tenements, &c. that were their Ancestors (the
Goldsmith's) and the Mortgage of 1000 l. and
that the Middle Tenement, wherein John Gon-
wardby inhabits, he and his Heirs, shall hold
for ever, and all the other mortgaged Lands af-
ter the Decease of John and Walter Goldsmith,
shall revert to John Gonwardby and his Heirs,
to sell, pawn, &c. even whilst the two Brothers
continue alive: And all three swear to this A-
greement, and whoever of them breaks this A-
greement shall forfeit 3000 l. to be paid within
a Year after such Violation. Sealed by all their
three Seals, and the Official's of the Chan-
cellor of Oxon, and the Seal of the Official
of the Court of the Arches in London, dated
30 of September, in the 29th Year of K. Hen-
ry,

1245 ry, Son of King John, A^o. ~~1264~~¹²⁴⁵. one of the great Seals is broken off, but the other is thus inscribed, S. Officialitis Cantuarinsis. Took I suppose from some other Deed.

I judge this Deed to be forged, rather from the Matter, than any Thing else.

THO' there be many other spurious Deeds, but not relating to the present Contest, I shall add but one other, which is of later Date than the very Time, in which the Lands in Dispute came into the COLLEGE's Hands, and they in quiet Possession, neither is it of great Consequence whether True or False, and yet so much depends on it, that the Author of the Catalogue of our Benefactors has from it given John Gonwardby a Place, tho' very untruly, amongst the COLLEGE's Benefactors; and because it is but of a moderate Length in Comparison to some others, and may serve to explain the English Abstracts aforegoing, I will give it in the Words I find it,

SCIANT presentes & futuri quod ego Joh'ls de Gonewardby civis Londoniarum dedi concessi & hac presenti charta mea confirmavi M'ro Rogero de Ashwardby custodi seu M'ro communiter vocato cujusdam Collegii in Oxon dicti majoris Aulae Universitatis, aliisq; Sociis ejusdem Aulae & omnibus & singulis Custodibus in eodem Collegio ac Sociis Successoribus qui pro
tem-

tempore fuerint amodo imperpetuum omnia tene-
menta terras prata redditus Skopas cotagia ~~testa~~ ^{tofta}
placeas Pasturas wardas Eschaeta proficua com-
moditates & omnia jura cum suis pertinentiis quæ
unquam habui vel aliquo modo habere potero
in villa Oxon vel ejus suburbiis in Comitatus
tam Berks quam Oxon scilicet omnia quæ fue-
runt Joh'is de Gonedwardby patris mei &
Thomæ de Gonedwardby fratris mei ac etiam
omnia quæ fuerunt Joh's le Goldsmith Senioris
de Oxon & Joh'is Goldsmith Junioris & Ni-
colai filii ejus & omnia quæ fuerunt Walteri
le Goldsmith de Oxon & Joh'is filii ejus quæ
partialiter in carta feoffamenti nuper per me
facta M'ro Laurentio de Radeford, & aliis So-
ciis dictæ domus diversis cartis plenius continentur.
Item dedi & concessi & eadem carta mea Confir-
mavi ipsis Magistris & Scolaribus seu Sociis præ-
dictæ domus, omnes Cartas literas instrumenta ac-
quietantias obligationes quas vel quæ dimisi cum
quatuor attornatis meis, viz. M'ro Joh'e de
Wormenhale & Joh'e Mahu de Wathamstede,
Joh'e Wyndesover & Josepho Scherman de Ox-
on ad liberand' conjunctim vel divisim vice & no-
mine mei omnia illa Oxon clericis præfati Collegii
vel eorum procuratori cum petierint seu petierit
& specialiter obligationem mille librarum cum ven-
dicatione earundam si contigevit unquam post da-
tari præsentium unquam mag'rm vel Scolorem præ-
dicti Coll'ii in aliqua parte dictorum per me ipsis da-
torum imbrighri amoveri placitari impechiari seu a
quo-

quovis alio modo grovari seu turbari habend' & tenend' omnia prædicta ut præmittitur cum suis pertinentiis præfatis clericis hæredibus ac assignatis eorum & successoribus de capitalibus dominis feodorum illorum per servitia inde debita & de jure consueta; & ego præfatus Joh'es de Gonewardby Civis London & Hæredes mei omnia tenementa terras prata, &c. (ut superius) dicto Rogero Afwordeby & aliis Sociis sæpius dicti Coll'ii & eorum hæredibus assignatis seu successoribus ipsorum contra omnes gentes Warrantizabimus & in perpetuum defendemus. In cujus rei Testm' sigillum meum apposui, & quia sigillum meum pluribus est incognitum sigillum officialitatis curiæ contuar' de arcubus Londin' in perpetuam memoriam prædict' similiter est appensum his Testibus Joh'e Stodle Majore villæ Oxon, &c. dat' Oxon in festo Albani martyris R. R. Edw. 3tii. 35. A^o. D'ni 1361.

THE Seal of the Official is very bungling, and seems taken off from some other Deed; and in Likelihood was never brought to Oxon, where it is dated; and is of 17 Days later Date, then *Radeford's* true Deed to the COLLEGE.

ONE Reason amongst others why I have transcribed this Deed, is to shew how little Truth there is in *Witton's Assize*; who says *The Title of Custos Collegii was never used*, whereas it is here used in a famed Charter of the

the COLLEGE's own contriving, and borrow'd from *Chapernay's* forged Deed to *Roger Caldwell*, *Custodi sive seniori socio, &c.* and likewise from a true Writ of Protection granted for *Robert Burton*, *Magistrum sive Custod' Collegii nostri in Oxon le University Hall vulgatur nuncupati*, dated 23d of Feb. 1 H. 6. A^o. 1422. besides, 'tis added in some of their Leases, and one, if no more, made the same, or next Year after *Witton's Assize*, by *Witton* himself; by which it appears how Ignorant many of the COLLEGE were in their own Customs, or if they knew them, how ready they were on all Occasions to deny them, making no Conscience of Truth or Falshood.

Now I take it for granted, when all the forged Deeds above recited, were found to stand them in no stead at Common Law, they applied themselves, as they had done long before, as appears by one of King *Richard's* Writs to the Mayor, and Bailiff's, &c. of *Oxford*, in the COLLEGE's Behalf, dated 1380, for his Help and Assistance, tho' it prov'd little or nothing to their Benefit, no more than the *French* Petition, which is now shortly to follow; But before I give it, I must recall one Mistake of my own, having attributed the Discovery of the Placing it wrong, among the Records of 7 Ed. 3. to Mr. *Wood*, I since finding it was made to his Hand in one of the Collections of Mr. *Twine*, in *Turre Scholarum Oxon.*

AND

AND Before I give an English Translation of this Petition, it is but fit that the Reader be informed where the Original thereof, is to be found and consulted; and it appears by a *French* Copy now extant in the School's Tower, that Mr. *Twyne*, or the UNIVERSITY it self, procured one in the Year 1622, out of the Bundle of Petitions of Parliament in the 7th of *Ed.* the 3d. This is testified by two Clerks or Keepers of those Records, *Aug. Vincent*, and *Geo. Robinson*. Now Mr. *Wood* in his History, Page the 11th, does very truly observe, that there was no Parliament held at all that Year, and therefore he has placed it under 7 *Rich.* the 2d. But in this he is mistaken; for tho' there was a Parliament held that Year; yet it will manifestly appear, that it could not be presented so soon; but in all likelihood the 11th of his Reign, ~~which began the~~ ^{about} 3d of *Feb.* 1387. for all his Writs relating to this Petition are dated in that Year, or the following 1388. These Mistakes concerning the Time of it has made many Disputes amongst the learned, what other Person and not *Rich. Armachanus* could be Archbishop of *Armagh*, at, or before that Time, when the Petition was presented. But I take it for granted that it was truly meant of *Richard* the Son of *Ralph*, sometime Fellow of *Balliol College*, and afterward of UNIVERSITY COLLEGE, and about the Years 1332 and 33, Chancellor of the

the UNIVERSITY, after which Time A°. 1337. he was made Dean of *Lichfield*, and afterward Archbishop of *Armagh* 1347. and dyed 1360. Now this learned Archbishop, having been Fellow of the COLLEGE within the Memory of Man; this Truth concerning him, made Way for the other two Falthoods to be more readily believed; and the others never examined into, in an Age of so long Distance, by Persons not much versed in Chronology.

I must likewise correct another Error or two to clear this Point, for tho' *Fitz Ralph* is the Person I am discoursing of, and I have told you at what Time he was Chancellor of *Oxford*, yet my younger Readers may search, and find no such Person in Mr. *Wood's Fasti Oxonienses* under that Year: But I must inform him, that those *Fasti* are not owing to the Labour of Mr. *Wood*; but perfectly the Product of Mr. *Twyne's* Care and Diligence; who has left us a Volume in Folio, containing 167 Pages in *Latin*, of which Mr. *Wood's* is but the bare Transcript for many Pages together. Now Mr. *Twyne* styles him *Radulphus Radyn*; but in Dr. *Hutton's* Notes out of the Register of *Lincoln*, Mr. *Richardus Radi*, which when englished is *Richard Fitz-Ralph*. I must further Note in Reference to the *French Petition*, that Mr. *Wood* tells us, Page 11, that it was falsely superscribed by a later Hand. 7 *Ed.* 3. for
7 *Rich.*

7 *Rich.* 2. but this was his own Conjecture only, and no such Thing mentioned in the Place whence he seems to have borrowed it. Neither does there seem to me any great Foundation for such a Difference of Hands, betwixt the Beginning of *Ed.* 3. and *Rich.* 2. The great Differences that I have observed between the two first King *Edwards*, and the Third, might have given Occasion for such a Surmise; for both Hands and Fashion of Deeds altered in the Beginning of *Edward* the 3d; and from Charters being only a little longer than broad in *Edward* the 3ds Time: The Form was changed, and the length was four Times the Breadth, and made by 5 or 6 Lines in a Deed; which formerly would have made 20, in the Times of King *Edward* the 3ds Predecessors. I know not whether this Observation will generally hold good in other Places; and the first Time I took Notice of it, was in Deeds and Leafes, differing from most others I had formerly seen, amongst the Evidences I met with in *Balliol-College* Archives.



The French Petition in English.

To our most Excellent and dread Sovereign Lord the King, and to his most Sage Council, Shew, Your poor Orators, the Master and Scholars of your COLLEGE, called Mickil UNIVERSITY Hall in Oxendford, which COLLEGE was first founded by your noble Progenitor, King Alfred (whom God Assayle) for the Maintenance of twenty four Divines for ever.

THAT whereas one Edmond Frauncis, Citizen of London, hath commenced a Suit in the King's Bench against some of their Tenants for Life, for certain Lands and Tenements belonging to the Endowment of the said COLLEGE, that the said Tenants by Collusion, and False Pleading have lost by Default to the said Edmond, the aforesaid Lands and Tenements, and that the said Edmond, looking upon the said Master and Scholars unable to maintain against him any Procefs, or Suit, in Regard of his great Power, does from Time to Time endeavour to destroy and utterly disinberit your said COLLEGE, of the Rest of its Endowment, having brought a Writ of Formedon, in the Common Bench, against the said Master and Scholars for 17 Acres of Meadow, with their Appurtenances in Graunt-Pount, upon which they are at Issue, the Procefs whereof is continued to the Octaves of Trinity, in which Writ they are not able to make Defence
against

against him, tho' they have sufficient Evidences so to do, and, That, Because he has procured all the Pannel of the Inquest to be taken in this Matter, by Gifts, Treats and other * Means, to be wholly of his Side. That it may please you, dread Sir, since you are our true Founder, and † to make the said Edmond appear before your said most Sage Council, to shew his Evidences, and that the Evidences, as well on his Side as on ours, being carefully heard and examined, Right may be done, according to the Discretion of the said Council, upon the aforesaid Examination; And that the Justices of the Common-Bench may be commanded to surcease in the said Plea, untill the said Council have discussed the said Matter in the Manner aforesaid; So that your said COLLEGE be not tortiously disinherited, in Regard that the noble Saints John of Beverley, Bede, and Richard Armacan, and many other famous Doctors and Clerks were formerly Scholars in the said COLLEGE, and commenced Divines therein, this for GOD's Sake, and as a Deed of Charity.

On the Back of the Petition, as follows;

“ Forasmuch as it is made appear in Parli-
 “ ment that the aforesaid COLLEGE is of
 “ the Foundation of the Progenitors of our Lord
 “ the King, and of his Patronage: It is ordered

* Sotieses; or, Stoivors.

† Et aluove de fair compair.

“ in the same Parliament, that both Parties be
 “ summoned before the King's Council, at a
 “ certain Day and Time to be limited by the
 “ said Council, with all the Evidences that
 “ any of them, so far as the Matter lies be-
 “ tween them in Debate, has to shew in the
 “ Case; and that these Evidences being seen and
 “ examined, in the Presence of the Justices, be-
 “ fore the said Council such Proceedings be there-
 “ upon had in the said Suit, by the Advice of
 “ the said Council, as it shall seem to them ought
 “ to be done in Right and Good Conscience; and
 “ that the said Justices have the King's express
 “ Command to surcease in the mean Time, in the
 “ aforesaid Plea and Inquest, until it shall be o-
 “ therwise ordered by our Lord the King.

I need take no other Pains to shew the Fals-
 hood and Absurdities of this Petition, than
 to inform the Reader, that it is as impossible
 to be true, as it is for any Person, King, or
 Subject, to build COLLEGES, or endow them
 a hundred Years, and more, before he was
 Born. For St. John of Beverley, who was
 many Years Archbishop of York, and resigned
 his Bishoprick some Time before his Death,
 which happened A^o. 721; and venerable Bede
 lived no longer than A^o. 734; so that both
 these two Persons, even the Latter of them,
 had been buried no less then 115 Years, be-
 fore King Alfred was born, and before he be-

gan to Reign a hundred and thirty seven Years at least: I leave these Remarks to be considered by those that would reconcile Falshood to Truth, to try, if possible, how these Years can be brought to Tally, and answer the one Part to the other.

As soon as this Petition was presented to the King, He, as it seems, and the Parliament, with him, gave so much Credit to it, as to send out several Writs of *Supersedeas*, to forbid the ordinary Courts of Justice to proceed any further in hearing this Cause between the Plaintiffs and Defendants; and ordered the hearing of their several Pleas before him, his Council, and several Judges; the Effect of which hearing went on the COLLEGE Side; and, that as I suppose, upon the Defendants producing a Writ of Errour, or a Mistake in a Judgment passed in the King's Bench, in the 3d Year of *Richard* the 2d; which, as I take it, falls in with the Year 1380.

UPON this Writ of Errour so found before the King and Council, followed those Writs of *Supersedeas*: The first of which is sent to the Sheriff of *Oxon*, relating that by a Process before the King in his Chancery, by Authority of Parliament, he declares, That before him a Judgment in the *Octaves* of *Trinity*, 3d of his Reign, against many of the COLLEGE Tenants, for three Messuages, ten Shops, one Cellar, fourteen Acres of Land, fifteen

fifteen of Meadow, and 8s. Rent; whose Reversion belonged to the COLLEGE, was declared Void and Erroneous against *Edmund Fraunceys* and *Idonea* his Wife: And that therefore the aforesaid Master and Fellows should recover again their Seifure, with the Arrearages of their Rent, from the Time of the passing the aforesaid Erroneous Judgment; and that by a Jury of honest Men, he should enquire how much it amounted to, and what Value it was of, and return the Inquisition into the King's Chancery, against the XV (or 15 Days) after the next *Michaelmas*, with the Sheriff's and the Jury Seals, and this Brief: *ies*
 Dated at *Westminster*, the 12th of *July*. 12
Rich. 2d. A^o 1388.

THEN follows another Writ or Brief to the Justices of the Bank, (or Common-Pleas) relating the Petition of the Master and Fellows exhibited in the last Parliament; which sets forth, *That Edmund Fraunceys and Idonia his Wife, had a Plea before them, by Virtue of the King's Writ, against Robert Westby, for seventeen Acres of Meadow in Graund-Pount, the Reversion of which, after the said Robert's Death, belonged to the said Master and Fellows; who are so poor, that they could not defend their Right at Common-Law: And it appearing to us, and the Prelates and Nobles of the Land, that their Petition contained Truth: Upon that Account, by the Advice and Assent of*
 K 2 *the*

the Prelates and Nobles, we have called the said Matter before our Council, and is not to be discussed any where else. We therefore command you, that you forbear to hold any Plea before you any longer; saying to the said Edmund and Idonia, that they prosecute their Cause before the said Council, if they think fit; where we will cause to be made full and speedy Justice to them. Dated at Oxon, 30th of July, the 12th Year of our Reign, 1388. Signed,
Scarle.

RICHARD, *by the Grace of God, King of England, and France, and Lord of Ireland, to the Mayor and Bailiffs of Oxon, that now are, or for the Time shall be; when lately at the Petition of the Master and Scholars of our College called, Michel University-Hall in Oxon, exhibited to us in the Parliament lately held at Westminster, suggesting, That Edmund Fraunceys, Citizen and Grosser of London, and Idonea his Wife, by Collusion betwixt them and certain Tenants of divers Tenements, viz. of three Messuages, ten Shops, one Cellar, fourteen Acres of Land, fifteen Acres of Meadow, and 8s. Rent in Oxon, and the Suburbs thereof which Tenements the Tenants held for Term of Life, the Reversion belonging to the said Master and Scholars, that they might craftily disinherit the said Master and Fellows, having brought many Pleas and Processes*

cesses concerning the foresaid Tenements, as well before the late Mayor and Bailiffs of the said Village, as by Writs of Right before us; (that is, in the King's Bench) and likewise by Writs of Errour, and others our Justices of the Bank by Writs of Formedon—, by that Supplication (of the said Master and Fellows) to us, to provide a Remedy for them in this Case: It was agreed and assented to by us the Prelates and Nobles of our Kingdom in the Parliament, that the said Petition for that the said Master and Scholars for their great Poverty, could not defend their Right at Common Law, should be called before our Council and Justices, and the Evidences, Claims, and Demands of both Parties aforesaid, being heard, inspected, and examined: That further, by the said Council by the Authority of Parliament, should be done what good Faith, and a sound Conscience should require; which consequently being done before our Council and Justices, and Parties aforesaid, and there, with great Deliberation, the Evidences being seen and examined, it seemed to our Council and Justices aforesaid, that the said Master and Scholars had sufficiently declared and proved their Right: And that the said Edmund and Idonia
..... And now we understand, that the said Edmund and Idonia, notwithstanding the foresaid Concord and Assent, or Declaration of the Right of the Master and Scholars declared in our Chancery for the foresaid Ma-
K 3 ster

ster and Scholars, concerning a Parcel of the
foresaid Tenements given by Authority of Par-
liament; intend to implead, weary, and disquiet,
as they openly threaten, the said Master and
Scholars, by Writs of fresh Force, and other
Pleas and Processes, as well in their own Names,
as in the Names of other their Complices and
Encouragers; which if it should be done, it
would in the Event tend as well to the disinbe-
riting of us; especially since that College is of
the Foundation of our Progenitors, and of our
Patronage; as to disinberiting of the said Ma-
ster and Fellows, and the Overtbrow of the said
Judgment given in our Chancery, by the Autho-
rity of Parliament as aforesaid. And because
we have had full Deliberation in our present
Council now held at Oxon, we will not, as we
ought not, suffer this; nor that these Things
that are discussed in Parliament, or before our
Council, or in other our great Courts; especially
by Authority of Parliament, are still in Discussi-
on, should be pleaded, or any way treated of:
We, by the Advice and Assent of our said Coun-
cil, command, and firmly enjoin you, that if any
Assize of Errour, or any other Plea, or Process,
be before you against the foresaid Master and
Scholars, or Tenants of their Tenements, by the
said Edmund and Idonia in their own Names,
or of others concerning the foresaid Tenements,
begun, or to be begun, you put an End to them:
Saying to the foresaid Edmund and Idonia, or
other

other Prosecutors, that they should Prosecute before our Council if they think Expedient; where we will cause a Completion of speedy Justice to be made to them. Dated at Oxon, the 2d of August, in the 12th Year of our Reign, A^o 1388. per Concilium.

THIS Writ being so defective, it is no wonder if in some Places I should mistake both the true meaning of it, and of the next that is to follow it.

I find also on the Back-side of the Roll, where the Writ of the 12th of October is mentioned is entered, *That Edmund and Idonia had after a Superfedeas sent to one of the Courts to proceed no further in that Cause, yet procured a new Writ against the said Master and Scholars, concerning the foresaid Meadow to the no moderate Damage of the Master and Scholars, as we have Notice on the Part of the said Master and Scholars the Premises considered, it is not the Intention of our Council, that the Master and Scholars upon that Account be further vexed, or otherwise unquieted: We command you that to any Plea against the said Master and Fellow, or Writ gotten, or to be got, you Superseede any further Hearing of that Cause and say to the said Edmund and Idonia*

K 4

that

that they Prosecute before our Council, if they think fitting.

THIS Writing is so imperfect, that I can hardly guess what it relates to, except it be to the Cause already heard before the Council; for there is no Date to the Writ, nor more than a third Part yet remaining to be read; and therefore I think it is of later Date than the Delivery of the *French* Petition.

How far the Trial before the Council, and all the four Writs that follow it, were agreeable to the Methods of Parliament, or the Course of Common-Law, I know not; but as they seem all to pretend to Honesty and good Conscience, there is nothing to be said against them, save that after all we may observe, that it is only by Direction of Parliament, that they were to go to Trial by a new way; but does not enact any Thing, that what shall be determined that way, shall actually pass for a final Determination of the Cause. And all that I conceive was ordered at first by the Council, was only to find a Writ of Errour, in a Judgment that was passed in the King's Bench in *Trinity* Term, in the 3 *Rich.* the 2d.

WHAT were the Reasons alledged by the COLLEGE in their Writ of Errour, I never found in the proper Place for it; only at last amongst some Deeds relating to *Pontefract*, I ~~at last~~ met with an old Parchment Writing, that

that I could make nothing of, 'till I had be-
smeared it with Water, in which Calls were *g*
steeped; whereby I understood some Part of
it, but it seemed only a foul Draught, and
several Amendments in it: I copyed another
French one, but not understanding that Lan-
guage, and as I find few Lawyers can easily
translate that *Law French* at this Day, as it
appears by the *French* Petition; which, as
some say, employ'd to render it into moderate
English, they found Places in it, which they
could not understand, or render into modern
English: But to supply this Defect, I procured
a young Student to translate me the Writ I
now speak of; which he has done as far as,
he tells me, he is able, in the Words follow-
ing.

FOR as much as the Plea was begun by a Writ
of Right Patent, which in its Nature re-
quires, that in Case of false Judgment, &c. the
Party grieved might have redress in the Common
Pleas, and no where else, &c. Therefore this
Writ of Errour being brought in the King's
Bench, is an Errour.

WHEREAS the Justices of the King's
Bench give it as a Reason for their reversing the
said Judgment, that the Mayor and Bailiffs of
Oxford had awarded a Nonsuit, notwithstand-
ing Nich. Leech was admitted Attorney for I-
donia: And whereas it appears by the said Re-
cord,

cord, that Leech was not duly admitted Attorney; not by Sir Robert Tresilian, for he had no legal Authority to enter him; nor by the Mayor and Bailiffs, for they never had examined I-donia whether she put him in her Place or no; therefore the Judgment given in the said Hustings was good, and the Justices erred in reversing it.

(I do not certainly understand it, but suppose it to be thus,) Altho' the Judgment had been reversable; yet upon a reverse of Judgment of Non-suit, the Plea ought to have been put in the same Condition it was, before the first Judgment given; and therefore they having proceeded to adjudge Seisin of the Lands to the Plaintiffs, whereas they should have gone on in a regular Progress, to have made the Tenants Answer, have erred.

HAVING thus given a full Account of whatever I have met with in our Treasury, relating either to this Cause, or the Method of Managing it: I should in the next Place enquire what was the final Issue of this Cause, or what Benefit the COLLEGE at last got by it.

AND to speak what I imagine, I am apt to believe, that the Cause was not ultimately heard before the Council, or if it were, that it went against the COLLEGE, and their Evidences, as they justly deserved, were discovered to be all spurious and forged: And the
Rea-

Reason I give for it, is, because I find nothing in the Treasury that gives the least Umbrage of their getting the better; but on the contrary, sufficient Evidence that they came, or feared to come, by the worse; and this I gather from a Reference agreed to by both Parties, under Title of a *Memorandum*; which in *English* is as follows.

MEmorand' that Mr. Robert Gower, the Proctor, or Manager of the Business of the Master and Scholars of the COLLEGE of the Great Hall of the UNIVERSITY of Oxon, And Edmund Faunceys, Citizen and Grosser of London, and Idonia his Wife, have compromised to stand to the Decree and Arbitration of four Arbitrators, by them chosen to arbitrate in all Controversies, Suits and Pleas, moved betwixt them, concerning certain Lands and Tenements in the Counties of Oxon and Berks; except 103 l. 2 s. 9 d. concerning which, the said Arbitrators shall not intermeddle; viz. Joan Scarle, and Roger Markham on the Part of the said Master and Scholars; and Sir Robert Farington, and William Rykyll on the Part of the said Edmund and Idonia; and the Parties aforesaid, alternately oblige themselves in 200 l. Sterling, to stand by the Decree and Arbitrament, and a Day is given to the Parties Arbitrators to begin to treat of the said Matter on the 15th of the Holy Trinity, and if it shall happen to
any

any of those Clients (or Arbitrators) to be chosen to be Judges, then it shall be lawful to chuse another Arbitrator into his Room. And I observe that it so happened, that *William Rykyl* was a Judge in the Common Pleas, when *Edmund* and *Idonia* passed a Fine of the Lands in Controversy to the Master and Scholars in *Hillary Term*, after A^o. 1389. for this Memorand^o being without Date, and entered in the Roll after the fore going Writs, I am not certain whether it falls in with the Year 1388, or 1389.

The Final Concord between *Edmund Fraunceys* and *Idonia* his Wife, and the Master and Fellows of *University College*.

HÆC est finalis concordia facta in Curia Dⁿⁱ Regis apud Westm^r in Octabis S^{cti} Hillarii, Anno Regnorum Ricardi, Regis, Angliæ & Francⁱ 13^o. coram, &c. (quinque Justiciariis, quorum Will^{us} Rykyl tertio) inter Magr^m & Scholares Collⁱ Magnæ Aula^e Universitatis Oxon, querentes & Edmundum Fraunceys & Idoniam Uxorem ejus deforciantes de 3 Messuagiis, 10 Shopis, 1 Celario, 14 Acris Terræ, 15 Acris prati, & 8 s. redditus cum pertinentiis in Oxon, & Suburbiis ejusdem villæ in Com^o Oxon, & de 17 Acris prati cum p^rtimet in Graund-Pount in Com^o

*Com' Berks unde placitum conventionis summoni-
tum fuit inter eos in eadem Curia scilicet; quod
prædicti Edmundus & Idonia recognoverunt præ-
dicta tenementa cum pertinent' esse jus ipsorum
Magistri & Scholarium & Collegii sui prædicti
& illa remiserunt & quæta clamaverunt de
ipsis Edmundo & Idonia prædictis Magistro &
scholaribus & Successoribus suis & Collegio suo
prædicto imperpetuum & præterea idem Edmun-
dus & Idonia concesserunt pro se & hæredibus
ipsius Idoniæ quod ipsi warrantizabunt prædictis
Magistro & scholaribus & successoribus suis præ-
dicta Tenementa cum pertin' contra omnes homi-
nes imperpetuum. Et pro hac recognitione re-
missione quæta clamatione Warrantia fine & con-
cordia iidem Magister & scholares dederunt præ-
dictis Edmundo & Idoniæ centum libras Ster-
lingorum. This Fine falls in with the 21 Jan.
A^o 1389.*

THE N follows another Fine passed at *West-
minster*, 3 Feb. 1389, between *Robert Gower*
and *Richard Hethe*, Clerks, Plaintiffs, and *Ed-
mund* and *Idonia* Defendants, in which the
two last, grant to the two former, one Mes-
suage, with it's Pertinences, in *Oxon*, with
Warranty; for which *Robert* and *Richard*
gave to *Edmund* and *Idonia* 20 Marks of Sil-
ver.

NEXT follows an Indenture betwixt the
Master and Fellows, and *Edmund* and *Idonia*,
re-

reciting the aforesaid Fine, passed between them, for one hundred Pounds, with Warranty : And then it is agreed that *Edmund* and *Idonia* shall not be called into any Court for that Warranty, save against the Heirs of the said *Idonia* ; and further, whereas the said *Edmund* and *Idonia* assert themselves to have been seized of 8 s. Rent, out of a Tenement in St. *Ebbes*, called *White-hall*, the said Master and Fellows agree, that the aforesaid 8 s. mentioned in the Fine, is not meant of the 8 s. going out of that Tenement, but out of some other Tenements in *Oxon*. Dated 14 of Feb. 1389.

THE N follows a like Identure from *Robert Gower* and *Rich. Hethe*, in Reference to the Fine passed 3 Febr. 1389, being a Grant of the Tenement called *White-hall*, and these two Persons agree not to call *Edmund* and *Idonia* to the Warranty of it. Dated 14 of Feb. 1389.

Note, that this Tenement of *White-hall*, or the 8 s. out of it, was passed to *John Gonwardby*, and *Joan* his Wife, in the Deed of Gift made to them by *John Goldsmith*, the Father of *Joan*, there mentioned, and from whom sprung another *Joan*, the Wife of *Phil. Fedewell*, who recovered against the COLLEGE the Middle-House, convey'd to the aforesaid *John* and *Joan*, together with the said 8 s. The first Conveyance was made in the Year

1307,

1307, and then back again to the COLLEGE A^o. 1363.

I also find, that amongst other Agreements, or Monies paid to *Edmund Fraunceys*, there was an Annuity of 2 l. 13 s. 4 d. paid him many Years, by an Acquittance or Release of it at last, dated the 18th of *October* 1 H. 4. A^o. 1399. There being a Quit-Claim of the same Date, which says, that Annuity of four Marks a Year had been granted to him by the COLLEGE for his Life.

2dly, HAVING now done with the long Suit between *Edmund Fraunceys* and *Idonia* his Wife, and the *French* Petition, and K. *Richard* the 2d interposing in the Cause; and the no Benefit that at last accrued to the COLLEGE, by it; but that they were forced after all to buy, or redeem their Right, with a great Sum of Money, paid to the said *Edmund* and *Idonia*: I come now to answer a second Argument, by which the *Alfredians* endeavour to persuade the World, that their Pretences are well grounded, by a Plea they find made use of by *Richard Witton* in a Suit he had, when Master of the COLLEGE, against the Abbot of *Osney*, who sued him for a Quit-Rent of 5 s. out of a Tenement belonging to the COLLEGE, but it is not so described, that I can certainly guess what Tenement it was, which I the rather mention, that tho' this Cause went for the COLLEGE against the Abbot, we shall find the

the Suit shortly afterwards renewed; and then the COLLEGE was cast, as will appear when we come to it in its due Place; for this present Suit falls in with the 6 of H. 6. in December, 1427, and the other in the Year 1432.

IT appears that the Suit was begun in some other Court than that of *Oxford*, and by the Claim of Privilege granted to the Town of *Oxon*, it was dismissed, and sent to the Mayor and Bailiff's Court there. It would be too long and unnecessary to transcribe more of this *Affize*, than what relates to Mr. *Witton's* Plea or Answer; it will I own be something tedious, but for fear of being censured by the Party I oppose, for Omission of it, I will give it, translated in its full Length, as far as relates to King *Alfred* and his HALLS and Scholars; for I am told there was great Stress laid upon this Evidence: And the aforesaid *Richard*, Protesting in his own Person, says, *That the said William the Abbot, brought his Writ (or Brief) against him, by the Name of Richard Witton, Warden of the Great Hall of the UNIVERSITY of Oxon; and says, he is the Master of the said Hall, and known by the Name of Master, and not Warden of the Great Hall, aforesaid; and that he and all his Predecessors, Masters of the said Hall, were known and impleaded by the Name of Masters of the Great Hall aforesaid; for he says, that the said Great Hall is a certain ancient COLLEGE,*
of

of the Foundation and Patronage of the aforesaid King that now is, and of his Progenitors, sometimes Kings of England; to wit, of the Foundation of the Lord Alfred, sometime King of England, Progenitor of the Lord King that now is, before Time, and in the whole Time, to the contrary of which the Memory of Man does not exist; for a Master and seventy eight Scholars, viz. for 26 Grammatician Scholars, 26 Philosopher Scholars, and 26 Theological Scholars, to be instructed, and taught to support, maintain and sustain the Faith of our Lord Jesus Christ, and of the holy Church, and the Laws of the Land, and the Customs of the Kingdom of England; And by the Name of the Master and Scholars of the Great Hall, aforesaid, made able and incorporated for (meaning I suppose, to hold) any Lands or Tenements they had procured for themselves, or should hereafter procure; And also by the Name of Master and Scholars of the Great Hall, aforesaid, for whatsoever Lands, Tenements, Goods, or Chattels, either granted or given, as in, or of the Right of the said COLLEGE, against whatsoever Intruders, Disseisers, Perturbers, Detainers, or Robbers, or any of them, or of any others, to implead, or be impleaded, for Ever impower'd from their very first Foundation.

And the foresaid Richard also says, that how often soever the COLLEGE became any Way void of a Master or any Scholar, from the whole
L
Time

*Time aforesaid, he that was the Senior
 within the foresaid College,
e exercising or frequenting the Schools, and re-
maining in the College, was ipso facto Master
of the said College, for all the Time afore-
said others being chosen, a
Scholar or Scholars of the said College, by the
Master and Scholars then being, for the whole
Time aforesaid, that he or they were existant. And
the said Richard says, that he is now the Ma-
ster of the said College, and Tho. Benewell,
Joh. Elewyke, Will. Prentez, &c. were the
present Scholars of the said College, at the Time
of obtaining that Writ, jointly holding the same
Tenement, which is now in View of the Assize,
as of the Right of the College, and of the
Feoffment of Roger Ashwardby, by his Charter
made to Laurence Radeford, and his Fellows,
Scholars of the Great Hall of the UNIVER-
SITY, aforesaid, according to the Form in these
Words; Sciant Præsentes, &c. And the said
Richard is not in the foresaid Writ called Ma-
ster, and therefore it is voidable, as plainly ap-
pears; But the Assize goes on 'till it is censu-
red by the Court, that the aforesaid William,
the Abbot, shall take nothing by his Writ against
Richard Witton, and that Abbot for his false
Claim shall be in Misericordia, (that is, should
be fined,) and this Word is generally writ *Mia*
short.*

THIS

THIS *Affize* is of a later Date than I purposed to have treated of in the first Part of these *Annals*, and I am obliged to speak of it now, only in Relation to what the *Alfredians* endeavour to draw from it; but what I said before concerning the Civil Lawyers, I am forced to repeat here; not that I am of Opinion, that they themselves are not Men of Ingenuity, and excellent Parts; but that they have made Use of those Parts to support a weak and fabulous Cause; which will have none; or very small Effect, upon those that are guided by the Common Law, or Statutes of the Land. Now any that reads this Plea must needs discern, that it is not borrowed from any *Saxon* Deed, nor Manner of Settlement used in K. *Alfred's* or the *Saxon* Times; but after a Form of far later Date, and more agreeable to the Times, even long after the Conquest; and seems to be but a Foible of Conceits, suitable to the Time it was now fictitiously framed in. And for this I must appeal to our learned Lawyers, to make their Judgments on it, and whether it has any other Foundation, than what is borrowed from the Conceits and Surmises of *Ralph Higdén*, and *John Brompton*, and the absurd *French* Petition itself; agreeable to the later Inventions now in Vogue; and has so pinned the Basket, that these fabulous Authors, *Tho. Rudburn*, and *John Ross*, could have no Room left them

to add to it: Tho' I must here observe these two Things of these Authors; First, that *Rudburn* is a Man of no Credit, nor the *Annals of Hyde-Abby*, from whence he pretends to borrow much of what he relates, is not of any Consideration amongst knowing and learned Historians, and such as are versed in Antiquity, and will give Ear to nothing, but what is built, at least, upon a seeming sound Foundation. And *Rudburn* is so meanly thought of by that ingenious and faithful Antiquary *Dr. Hen. Wharton*, who, having Printed some Part of *Rudburn's* M.S.S. in his *Anglia Sacra*, p. 203. takes Occasion to return him this high Complement, for having asserted the great Antiquity of *Cambridge*, of which UNIVERSITY *Dr. Wharton* was. *De Antiquitate Academiae Cantabrigiensis splendide fabulatus erat Rudburnus in Historia minori hisce verbis Anno Domini 871 Combusta est Universitas Cantabrigiensis; quæ fuit ædificata Anno a Mundi Creatione, 4815 a Cantabro duce, & frequentata a Philosophis ante Christi incarnationem per annos 394.*

THOUGH I have already spoken of *Rudburn*, as a great Lyar, and one that deserved the Whetstone; yet upon second Thoughts, I am of Opinion, that *Richard Witton* aforementioned, has an Equal, if not superiour Title to it; who without Cause, when he
had

had once framed this long Story of King *Alfred* and his HALLS, in his own Brains, must needs take the first Opportunity to broach this Invention, and set it a Running in a Place not very fitting for it, and quite out of the Way of a Plea suitable to his Cause; but rather like a Romantick Historian to set up, as he thought, the Glory of his COLLEGE, as far antienter then the Monastery was, over which the Abbot of *Osney* presided. But observe the Ingenuity and Fidelity of this Author *Rich. Witton*, he declares, in his Plea, how old the COLLEGE was, and the Title of it, the *Great-Hall* of the UNIVERSITY; and that the chief Person in it, was stiled *Master*, and never *Custos*; with a great deal more concerning the Founder, and how the *Master* succeeded without *Election*; and then how the Fellows were chosen, and who were Fellows at that Time, &c. nothing to his Purpose, forgetting, or not knowing that one of the Evidences the COLLEGE produced, and contrived against *Edmund and I-donia*, and dated 22d of *June*, 1361, *John Gonewardby*, gives, grants, and confirms to Mr. *Roger Asbwardby*, Warden, or Master commonly called, of a certain COLLEGE in *Oxon*, called the greater HALL of the UNIVERSITY; and as tho' it had not been enough to renounce a false Title, and which had never been given to any of his Predecessors

fors; and to prove what ever he said was infallibly true, the very next Year after this Trial, in a Lease of *Marks Hall*, in the County of *Essex*, dated *Sept. 30th, 1428*, he styles himself in that Lease, *Mag'm Ric'um Witton Magr'm alias custodem Collegii magnæ aula Universitatis Oxon.* So true and faithful this Sort of Men are to their own Principles, that they say or unsay, just as is agreeable to the Comedies or Fables they are acting: For this Word of *Custos* never came in play in our COLLEGE, 'till the Founder of *New College* had made that Name better taken Notice of: And then, or not long before, the fabulous Deed usually call'd *Chapernay's Charter*, dated 30 Years before *William of Durham* dyed, pretends to give the Lands bought with his Money to *Roger Caldwell*, Warden or Senior Fellow of the *Great Hall* of the UNIVERSITY of *Oxon*; and this Charter was built upon as true a one, 'till *Richard Witton* comes to contradict both it and himself. But I think I have said sufficient to shew this Plea to be false in all its Respects, and such as I conceive no honest Man will believe, that reads either what has gone before, or shall shortly follow after, in Refutation to it, and those that have laid any stress upon it: But before I pass from *Rudburn*, I will give him one parting lash more.

YOU

You see this learned, and what is more ^{Dr Wharton} valuable, faithful and judicious Antiquary, (like to whom I believe there was not any before, nor scarcely to be hoped for after him) who thought it more his Honour to refute old Fables, than shew his Skill in defending them; disdained to embrace this incredible Story, though some had done so long before him, concerning the vast Antiquity of the UNIVERSITY of *Cambridge*: And therefore, ^{Rudburn} I suppose, we of *Oxford* will think our selves less obliged to entertain this Novelty at his Hands, which he sets up concerning the UNIVERSITY being first placed in *St. Giles's*; and that that was the UNIVERSITY Church, and the Academians lived long in those out Streets of the Town, beyond which there is scarce a Cottage now standing; and that they did not place themselves within the Walls of *Oxford*, 'till the 28th of *Edward* the 3d, A^o. 1354; occasion'd, as he says, (or the ABBY of *Hyde*, who often passes the one for the other) by a Conflict between the Scholars and Townsmen, when the County came in to the Townsmen's Assistance; but all this fictitious Report is little better than Raving, and must needs appear so to any Person that knows any Thing of History; and I think can scarce be matched, save by the Story of *Brute*, and the Fables of *K. Alfred*; and he that avouch'd it, if he had known any Thing of *Oxford*,

would have heard A^o. 1214 of the 3000 Scholars that left that Place ; for the Burgeſſes having hanged three Gownſmen for a Murther, of which they were Innocent, and how they long ſtood excommunicated for this Villany ; and what Submiſſion they were forced to make to the UNIVERSITY afterwards ; one of which Conceſſions was, That they ſhould ſwear to maintain, and not infringe the Scholars Privileges ; and that in Recompence for their Fault, they ſhould pay the UNIVERSITY an Annual Stipend ; and that for ten Years together they would abate half of the Rents that the Scholars uſed to pay for their Houſes, or as they were then called their HALLS, and of which the Townſmen were then the ſole Owners : To ſay no more of the many Charters granted by four ſeveral of our Kings, of a far antienter Date than this pretended Removal ; and when the Conventions, or Meetings of the UNIVERSITY were always kept in *St. Mildred's*, or *St. Mary's Church in Oxford* : And further to ſtop the Mouths of ſuch Fabulous Inventers, and if I can, the Ears of ſuch Madmen, as liſten to Fables and Forgeries, I will acquaint the Reader with the Time when, and who it was that built *St. Giles's*, at the End of the Suburbs, as moſt Churches dedicated to that Saint are built : I met with it in one of *Mr. Twine's* many Manuscript Collections, the Beginning
of

of which Volume is out of *Hide Abby*, from whence this Story is borrowed; and towards the End are a Collection of Charters to the Abby of *Godstow*, amongst which is a Charter of *Henry the 2d*, where amongst other Grants of Confirmation to that Abby, this is one, in English thus, *That he confirms to them the Church of St. Giles, with its Appurtenances, which they had of the Gift of Elwyn the Son of Godage, who founded it, and is, or stands out of Oxford.* I think I need say no more to shew the Falsifications of this Author, and leaving to speak further of him; which indeed I should have done before. I proceed to my third Head.

3dly. WHICH was to shew how little Credit is to be given to these Fblers, and how impossible it is to reconcile them to Truth, or to one another.

AND the first after *Witton* and *Rudburn*, I am to encounter with, is *John Rosse*, a Person whom in his own Principles, I take to be very honest, but having had a long and intimate Acquaintance with *Tho. Rudburn*, he seems infected by him, and to have believed and borrowed many false and fabulous Stories, barely upon his Authority or his Manuscripts: And coming fraught with these Fictions to *Oxon*, he cast about how to defend them, and how to propogate them, as he did to the utmost,

most, in Relation to what ever had been said or writ of King *Alfred* and his HALLS. All which, for I think his Books are not yet Printed, are taken out of his M. S. of the Kings of *England*, as I find him quoted in Mr. *Twine's* Collections in 4to, in *Turre Scholarum Universitatis Oxon*; in which, that Author speaks at large of the Schools of *Greek-lade* and *Latin-lade*, and of King *Alfred* founding publick Schools for Arts at *Oxford*, according to the Form of those ~~Out-rented~~ Ones afore-named, and how the UNIVERSITY flourished after King *Alfred's* Time. And then proceeds to tell of his founding three HALLS for Doctors in Grammar, Arts, and Theology, at his own Charge, in three several Places, one in *High-street*, near *East-gate*, which he furnished with 26 Grammarians, affording them all Necessaries; and because of the inferiority of that Science, he ordered it to be called the *Little-Hall* of the UNIVERSITY, and so it was called (*sayhe*) in my Days. Another HALL he built towards the *North* Walls of that City in *School-street*, and furnished them in necessary Costs for 26 Logicians and Philosophers, and ordered it to be called the *Lesser-Hall* of the UNIVERSITY; and another in *High-street* towards *East-gate*, on the *West-side* of the *Little-Hall*, for 26 Theologians, ordering them to study the Scriptures, to whom he abundantly exhibited sufficient Expences.

ancient

pences. In a short Time the Burgeses of the City built other HALLS for the singular Faculties, as did those of the Neighbouring Provinces, and also Others of the Provinces that were more remote; not built indeed, as he says, at the King's Expence, but by the King's gracious Example. I find, since I writ this, that Mr. *Wood* has quoted the same, and believe it was, but I am not certain, from the same M. S. which I saw of Mr. *Twine's* in the School's Tower.

OF all that is here related, nothing would seem incredible, had any ancient Author near K. *Alfred's* Time asserted it; but this News not coming into the World 'till Five Hundred Years after that King's Decease, the very Newness of the Fable discovers the late Invention of it: And that it could be of no older Date, than 'till after these three HALLS had been all of them bought by the UNIVERSITY it self, or by the Fellows of the House in Trust for the COLLEGE; only this Man being born after all these HALLS had got the Names he calls them by, might, by a good Fancy, imagine them to have been of an old Continuance; and for the Tale of King *Alfred's* endowing, it might be borrow'd from another Falsity, which I shall presently come to refute; referring, in the mean Time, to the large Description I have already given, when, and how these three HALLS come by
their

most, in Relation to what ever had been said or writ of King *Alfred* and his HALLS. All which, for I think his Books are not yet Printed, are taken out of his M. S. of the Kings of *England*, as I find him quoted in Mr. *Twine's* Collections in 4to, in *Turre Scholarum Universitatis Oxon*; in which, that Author speaks at large of the Schools of *Greek-lade* and *Latin-lade*, and of King *Alfred* founding publick Schools for Arts at *Oxford*, according to the Form of those ~~Out-rented~~ Ones afore-named, and how the UNIVERSITY flourished after King *Alfred's* Time. And then proceeds to tell of his founding three HALLS for Doctors in Grammar, Arts, and Theology, at his own Charge, in three several Places, one in *High-street*, near *East-gate*, which he furnished with 26 Grammarians, affording them all Necessaries; and because of the inferiority of that Science, he ordered it to be called the *Little-Hall* of the UNIVERSITY, and so it was called (*fayhe*) in my Days. Another HALL he built towards the *North* Walls of that City in *School-street*, and furnished them in necessary Costs for 26 Logicians and Philosophers, and ordered it to be called the *Lesser-Hall* of the UNIVERSITY; and another in *High-street* towards *East-gate*, on the *West-side* of the *Little-Hall*, for 26 Theologians, ordering them to study the Scriptures, to whom he abundantly exhibited sufficient Expences.

ancient

pences. In a short Time the Burgesſes of the City built other HALLS for the ſingular Faculties, as did thoſe of the Neighbouring Provinces, and alſo Others of the Provinces that were more remote; not built indeed, as he ſays, at the King's Expence, but by the King's gracious Example. I find, ſince I writ this, that Mr. *Wood* has quoted the ſame, and believe it was, but I am not certain, from the ſame M. S. which I ſaw of Mr. *Twine's* in the School's Tower.

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their

their several Names. And if any Man can shew me from any good and authentick Author, that there ever was any HALL in Oxon, called *University-Hall* be it great, lesser, or least, before the Year of Grace 1253, I dare almost be willing to give him up the whole Cause; and if all of them were either built, or so named after that Year, I think I need produce no further Arguments to prove that they were neither built, nor so called in King *Alfred's* Time, nor 'till above 400 Years after his Decease.

THIS Fancy of *John Rosse*, concerning other Persons, whether Burgeses or Gentlemen building HALLS after King *Alfred's* Example, reminds me of an Opinion that I meet with in several Places in Mr. *Twine's* Manuscript Collections; who Fancies that all the HALLS in Oxon, were built by King *Alfred*, or by the Scholars themselves, that afterwards lived in them: And then thinks, for Traffick Sake, Merchants, and others repaired to the UNIVERSITY, to sell their Wares to them, and afterwards built Houses for their own Habitation: And endeavours to enquire how these HALLS passed from the UNIVERSITY to the Townsmen; who, by him, and by Mr. *Wood*, are owned to have been the Proprietors of them 'till redeemed out of their Hands by *William of Durham's* Money. But I shall take no further Pains to refute this
Fancy

Fancy of Mr. *Twine's*, which is a meer Creature of his own, and which, I suppose, no other will Challenge a Part of, or follow him in, as long as the World it self endures; for we read that *Oxford* was called *Oxford* a long Time before King *Alfred* was born; and those that begins his erecting it into an UNI-^{versity}VERSITY, suppose it a known Town before. Whereas the only Argument that Mr. *Twine* offers for his Opinion is, that he gives an Example that some ABBYS were founded before the Towns they are now placed in; but then he ought to have taken Notice, that there is good Proof when the ABBYS were founded: and sometime afterwards, that Houses were built for the ABBYS Convenience, and by the Abbot the Privilege of a Market was obtained for them. As happened to *Abbingdon*, a Town 5 Miles off *Oxford*, which he makes his Instance in from *John Rosse*, omitting *Polidore Virgil* as a Stranger, and whose History I have not by me.

THE next Latin Author that followed *Rosse* in Time (for he lived 'till the Beginning of *Henry* the 7th's Reign) but far exceeds him in Learning and Ingenuity, is the famous Mr. *Leland*, of whom it is usually observed, that *nisi Lelandus laborasset Cambden' non scripsisset*; and who was a Man so eminent in all Parts of Erudition, that I am very sorry, that I should have Occasion in any Thing to dissent from him;

him; But yet this eminent Writer out of Love to his Country, and in Opposition to *Polidor Virgil* his Contemporary, is very large in *Rosse's* Commendations, and endeavours to equal him to that *Italian* Writer; at least as to Matter of Truth, tho' he is forced to yield him precedence as to Eloquence and Politeness of Style. And I know not whether out of Design to support *Rosse's* Reputation, he may not in some Places quote him, with more Respect and Credit, than was really due to him: And as to most Part of what he says of *K. Alfred*, he relates it chiefly upon *Rosse's* Authority, and from whom he seems unwillingly to dissent, even when he cannot wholly agree with him; as appears, tho' spoken upon another Occasion, by these Words. *Nolo hic pluribus verbis in confirmanda conjectura invalida laborare; ne videar velle Rosii auctoritatem infringere, cum meum non possim interim satis constituere; ut pote qui non statim admittam, vel fuisse tales aliquando Academias* (for he speaks of *Latin Lade*, and *Leech Lade*) *sed mos erroribus jam receptis utcunq; gerendus.* And I could have wished that the famous *Mr. Camden* had contented himself to have followed or copied *Mr. Leland*, in this Matter, as he is said to have done in many others; for the mixing many Fables with Truths make oftentimes the Truths themselves to be first doubted and then disbelieved. And *Mr. John Kay's*
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Example in his History of *Cambridge*, inserting so many forged Charters, both of Popes and Kings, granted to that UNIVERSITY, was a great Inducement to prevail with some others of our own UNIVERSITY afterwards, to tread in those unhallowed Paths, and that broad Way that leads to the confounding, if not to the destroying of true History; and the questioning of the sacred Writings themselves; making as it were the Preface of that noble Historian *Livy*, a Part of their pious Frauds. *Datur hæc venia antiquitati, ut miscendo humanis Divina, (ficta veris) primordia Academiam augustiora faciant.* ru

BUT I return to *Leland*, who, as he agrees with *Rosse*, in allowing K. *Alfred* to have been the Founder of the UNIVERSITY; so he also dissents from him as to the Time of doing it; and gives very good Reason why he differs from him: which I need not here repeat because *Leland's* Books of our *English* Writers is now no longer in Manuscript; and what *Leland* says about King *Alfred's* HALLS, or Scholars, is *verbatim* taken out of *John Rosse*, though he does not quote them; nor can I find any of our old Historians, tho' he quotes them as to other Matters relating to that King, that supports the same Opinion, and therefore in a very few Words passes it by and so leaves it.

THE

The former Quotation is taken out of *Leland's Description of the Life and Acts of K. Alfred*; and as to *William of Durham*, he scarce mentions him, save only by the bye, when he speaks of *John Blundus*, one of his Companions at *Paris*, under the Name of *Gulielmum Dunum*; not quoting *Matthew Paris*, save at 2d Hand, out of *Rosse's Book, de Academiis Britannicis*. But in another Place this diligent Author endeavours to deprive our true Founder of that Honour, by fixing it upon another, and ascribing it to *William Sherwood*, who was bred, as he says, in *Collegio Universali quod ab Alfredo magno in gratiam bonorum Artium institutum fuisse constat*. If by *Collegium Universale*, this Author means the UNIVERSITY at large, as the Words are capable of being understood; I have nothing to say against it; but if of any single HALL that King *Alfred* built, I suppose I have refuted that Opinion in the foregoing Sheets sufficiently. I shall leave the Reader to consult what this Author writes to confirm his own Opinion; that it was *William Sherwood*, and not a Person different from him, that restored King *Alfred's HALL*, which Restoration, and not new Foundation as he took it for, he thus describes, after he had mentioned *Harold* the first's taking away from his Scholars what K. *Alfred* had allotted them; he goes on and tells us, *that Herold looked upon this as a Benefit,*
that

that he had left the Scholars of that Universal COLLEGE only naked Houses to dwell in. This Loss tormented those Collegians, who besides those ill repaired Houses, 'till the Reign of Henry the 3d, had not one Ounce of Stipend remaining; at which Time Sherwood, by his great Liberality freed them from that hard Dearth of Poverty, bestowing on them so much Gold or Money, as sufficed to buy them Lands. (for their Maintenance) But this modest, and as he thought himself, true Relater, closes all that he had said, in these Words following, If there be any that knows more, or certainer Things related, let him add them, as a Suppliment or Conclusion, to this my Labour; and I shall be so far from denying due Thanks, that he shall have me, as ready as any other, his prompt, easy, and benevolous Auditor of such an Information. Which tho' he lived not to receive, yet he has left a Memorial how acceptable it would have been to him; and as I imagine it will be to every honest and candid Reader, what ever the Admirers of vain Fables may think to the contrary.

FROM *Leland* I am next to pass on to *Thomas Kay*, an Author almost as eloquent as himself, and after some vain Attempts before, at last was regularly chosen Master of UNIVERSITY COLLEGE, and might have had the Opportunity of giving us a truer Account of that Foundation, than many have done; but

either through Negligence, or Oversight, he has rather obscured the Truth, than any Way illustrated it: That he was learned, is owned on all Hands, save by his Name-fake and Antagonist, and likewise learned Adversary; but that he was negligent, and more than a little idle, may appear by this; that after several Admonitions, and all without Reformation, he was turned out of his Place of Register to the UNIVERSITY, A^o. 1552. concerning which, I have the Account by me, but is too long to be inserted in this Place.

THE Occasion of this Persons Writing, seems to have been a Speech sometime before made by the UNIVERSITY Orator, to Q. Elizabeth at Cambridge; and that glorious Queen afterwards visiting Oxford, A^o. 1566. Tho. Kay in Refutation of that Speech writ, and I think presented his *Affertio Antiquitatis Oxon Accademiae*, to her Majesty: In the End of this Book, I find a Quotation transcribed out of Mr. Twine's Book, published under the Title of *Apolog. Antiq. Acad. Oxon.* in which he tells us, that John Kay was celebrated by Leland in his *Cynæa Contio*, as a great Orator and Poet, and then adds that this Book was writ in the Space of seven Days. I mention this to shew how easily Men sometimes fall into great Mistakes; for whether it be Mr. Twine, or Mr. Obad. Walker's Error, it is a very great one, to write John Caius for Thomas Caius,

Caius, since one was the professed Antagonist to the other; and tho' *John Kay's* first Edition of his History, came out, under the feigned name of *Londinensis*; yet he within a short Time after, published his second Edition, under the true Name of *Johannes Caius Anglicus*, A^o. 1574. Both this Book, and Mr. *Twine's* are very scarce, and I have only my own extracts to consult upon this Occasion, and the former *Affertio* of *Thomas Kay*, has not his Name put to it; but in the Title Page it is thus said, *Ad illustrissimam Reginam*. A^o. 1566.

THIS Author, *Tho. Kay's* Discourse begins with his telling us, that King *Alfred* built UNIVERSITY COLLEGE, first called the three HALLS of the UNIVERSITY, in the 1st, or at farthest in the 2d Year of his Reign, and restored the UNIVERSITY of *Oxon*, almost utterly destroyed by the *Danish* Wars; and afterwards quotes, and seems to confirm the Fiction of *Brute*, who brought a Company of famous Greek Philosophers with him into this Island. He that could swallow this Fable rejected by *Leland*, could never stick at those following ones concerning King *Alfred's* Halls, and Scholars; but afterwards he spends most of his Book in refuting those old Fables, that had been broached and related in the black Book of the UNIVERSITY of *Cambridge*, and returns not to the History of his

own COLLEGE, or what King *Alfred* is reported to have done for them, 'till Page the 30th, and repeats what *Rosse* had afore-delivered, concerning the three HALLS, and where Mens Fancys had placed them. And tells us, what is very false, that in the ancient Muniments of the COLLEGE, its said he only built one, whose Governour he called the Master, and had three Companies of Scholars under him; (which, if he ever see it, he must have borrowed it from that foolish Plea of *Richard Witton*) and that he gave them no Lands, but ordered their Stipends to be paid out of the *Exchequer*; and that the Payment continued 'till the Time of *William*, whom he styles the Bastard and Conqueror, obtained the Kingdom; and then attributes the Reason of his withdrawing the Stipends, to one of these two Causes, That the Scholars had joyned with the *Burgars*, in denying his Entrance into that Place, (which Opposition is rather to be understood of *Exeter* than *Oxon*) or else out of his Desire to suppress the *Saxon*, and introduce the *French*, or *Norman Language*, into the Nation: What follows, and reaches but for four Pages to the End of the Book, is so jejune and narrow an Account, that he seems never to have consulted the *Bursar's Rolls*, which begin in K. *Richard* the 2d's Time; nor the *College Register*, which is no ancienter than the first of *Hen.* the 8th, and what is in that

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is hardly worth taking Notice of: He further telling us, that after the Substraction of their Revenues, as is aforesaid, the Scholars lived in Want, or were barely supplied by the Munificence of other Persons, 'till the Reign of King *Henry* the 3d, when *William*, Archdeacon of *Durham*, a great *Mæcenas* of Learning, ^e and Learned Men; but richer in Virtues than in Wealth, put his helping Hand to the miserable Estate of this COLLEGE; who left a Sum of Money by his Will, towards the Restoration of the Royal Work of King *Alfred*; but that so small, that it scarcely sufficed to maintain four Scholars only.

I know not, but that I have observed this already, in what went from me to the Press as fast as I writ it; but if I have not, I must now acquaint my Reader, that Mr. *Twine* laboured many Years to perfect his own History, either by going or sending to the Registers, both of *Lincoln*, *York*, and *Durham*, as appears from many Exscripts sent him; especially from *Lincoln*, and one under Mr. *Richard Gascoigne's* Hand from *York*, where I suppose he lived, or at least undertook to examine that Register: I do not well understand why this Question was proposed by Mr. *Twine*, or any other for him; but Mr. *Gascoigne* acquaints him, that he had a Catalogue of the Deans of *York*, from the Reign of *Henry* the First; but that none of them began

with G, 'till *Henry* the 3d's Time, and gives an Account of all that did so, 'till after that King's Death. Now whether by his Question, and this Answer to it, concerning those whose Names began with G, he meant *Gulielmus*, or *William*, I cannot be positive, I believe 'twas *William*; because in the same Place the same Answerer gives us an Account, that not *William* of *Durham*, but *William* of *Lanum*, was Archdeacon of *Durham*, and that he [*Lanum*] made his Will in the Year, 1248, and bequeaths all his Possession in *Thresk*, (or *Thirsk*) to Mr. *Stephen Ecclesfield*, Canon of that Place, and died on *Easter-Eve*, that Year or Year after; And then he subjoins, *There is one William, Archdeacon of Durham, which you conceited to be about the 10th of Henry the 3d.* He quotes also where these Charters or Deeds lay, to wit, in the Chest of *Rock-Abbey* in *St. Mary's Round Tower*, at *York*.

THIS mention of Mr. *Twine's* Enquiry after an Archdeacon of *Durham*, persuadeth me, that he was by this Time convinced of the Falshood of *Chapernay's* fictitious Charter, dated the 4th of *Hen.* the 3d, of the Genuineness, of which he, or his Informer, had formerly so good an Opinion, that quoting it in his History, (or as he Styles it *Apologia Antiq. Oxon.*) Sect. 318. where confuting Mr. *Leland* and *Rosse*, that the Founder lived not, as they thought, so late as *William Sherwood's* Time,

Time, he does it upon the Truth of that forged Charter; which he says, *Mentiri nescit*, that signifies, *cannot Lie*. But if ever there was a Lie in the World, that which we find in that Charter is as great a one as ever the Devil told since he deceived our first Parents in Paradise.

BUT to return again to Mr. *Kay*, he having told us, that *William of Durham's* Gift was hardly sufficient to Support four Scholars only; I should Question whether or no he ever read the *Inquisition* afore recited, or if he did, that he rather did not say that the Times were so changed, that the Gift did not Answer the Donor's Expectation. I having shewn before, that this was not occasioned so much by the Change of the Times in General, but the Indiscretion of the Purchasers, who did not buy Lands as they were appointed, but Houses, which without constant Repairs, run to ruin; and though they should not do so, yet the building and endowing COLLEGES afterwards, brought HALLS to want Dwellers in them, and by that Means their Rents became inconsiderable. However, Mr. *Kay* is more excusable, who adapted his Discourse to the Age he lived in; since which the Times are not worsted, whatever some of our Innovaters now think of it.

BUT tho' our Register-maker, in this, somewhat imitates Mr. *Kay*; yet he is not so bold as to follow him, in saying we had no Bene-

factor, 'till the Reign of K. *Hen.* the 4th; for in the Catalogue, and also in this Discourse, some of them are already mentioned. I could not at first understand what is meant by the Author, who says, *Singulari ejusdem principis*, and nothing to follow it; but I suppose the Printer has mistook *Beneficia* for *Beneficentia*, for otherwise there is neither Sense nor Grammar in it: But thus supplied, what follows is not yet true, for supposing four of *William* of *Durham's* Scholars still remaining, their Number will not be doubled; for *Skirlaw* and *Percy* gave but three Fellowships a Piece, and with their Munificence six Fellows are as hardly maintained there at this Day, as ever eight of *William* of *Durham's* were, or might have been in the Time, that he bequeathed his Legacy, had it been warily managed.

HE goes on after this, to endeavour to prove *John de Beverley* to have been the first Master of the COLLEGE, from some Picture in *Salisbury* Church, that says so; but then denies him to have been him, that was once Archbishop of *York*; because, says he, he lived long before the Age of King *Alfred*. He speaks nothing of *Phil.* of *Beverley*, sometime Fellow, and afterward Benefactor to the COLLEGE; which it seems he was ignorant of, and could not have been so, if he had ever examined either the Muniments of the COLLEGE, or the ancient *Bursar's* Rolls; tho' the

the Lands he gave, I believe, were either all, or most, swallowed up by the River *Humber*: But instead of this Saint, he furnishes us with another *St. Edmund*, Archbishop of *Canterbury*, whom he makes Fellow of the COLLEGE; tho' he died before *William* of *Durham* himself, and speaks of his Works, which spread his Fame in the World, commended by *Leland* and others: Tho' *Leland* says, he never saw any of them, save that called *Speculum* only. Next to him he speaks of *William Skirwood*, whom he says, was a Scholar of this COLLEGE, tho' he rather thought him a Restorer of it. Afterwards, amongst the famous Men of it, he speaks of *John Ashwardby*, whose Fame and Learning advanced him to be of great Esteem, and admitted to the intimate Councils of the King; I suppose he means *Hen.* the 5th. Now no such *John Ashwardby* was ever of this COLLEGE; he that sometime was Master, was not *John*, but *Roger Ashwardby*; who if he had inspected our Monuments, he could not but have been much better acquainted with. Afterwards, he Names *John Castle*, as a Domestic Chaplain to King *Henry* the 5th: This, for ought I know, might be true; but he takes no Notice that he was first Master of the COLLEGE, after Chancellor of the UNIVERSITY, and then, or after, Chancellor of the Church of *York*. Lastly, he speaks of *Thomas Benerwell*, *John Merton*,

a Merton, and celebrates the one for an eminent Preacher, and the other for a School-master; nothing of which I read any Thing of, to this Purpose, in any other Author: And ends with *Dr. Crawford* and *Leonard Hutchinson*, sometime Masters of the COLLEGE, and often Times of *Hutchinson's* being Commissary, or Vice-Chancellor of *Oxon*, as the First was both Proctor and Vice-Chancellor of that of *Cambridge*; but at last *Hutchinson* retired from the COLLEGE to a private Personage in *Northamptonshire*. Bishop *Ridley* closes his Treatise, whom after he has highly commended, he concludes with these Words, *Quem pro nostro jure optimo vendicare possumus*; which is no further true, than that being bred in *Cambridge*, and sojourning sometime for his Improvement in *Oxford*, he was elected a Shirlow Fellow, which shews he was then in Orders; but being either provided already of a Fellowship in *Cambridge*, or expecting one there very shortly, he declined accepting it, and removed back to his former Place of Education; his own Merits, and being born near *Durham*, was the Cause of the COLLEGES making him that offer. Amongst these learned Men that were truly of this COLLEGE, he has altogether omitted the Bishops thereof, whose Names he might have found in the *Bursar's* Rolls, had he inspected them: There Names were these that follow, *Richard Fleming*, Proctor;

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annually paid for their Chambers; except possibly, one at least being a noble Man, might be entertained with the Master of the COLLEGE, in his own Lodgings. I have been too long in giving an Account concerning this learned Person, and will upon that score be more Brief in speaking of those that follow, and shall omit speaking of *Polidore Virgil*, because he was a Foreigner, and not much allowed of, as skilfull in our *English* Historys.

THE next learned Historian, in Order of Time, and of singular eminency, is the celebrated Mr. *Cambden*; but he has been so great a Benefactor to the UNIVERSITY, in founding a Professor of History's Place in *Oxford*, and endowing it with an ample Revenue, that I am very willing that he should enjoy the Honour, that the learned World has hitherto paid him: And tho' a Passage inserted into his *Afferius Menevensis*, hath been much questioned by the *Cantabrigians*, and as learnedly defended by the Publisher of the same Author, lately at *Oxford*, I shall desire to be excused giving my Opinion on that Passage; since there is nothing in it that mentions any Thing of King *Alfred*'s Building HALLS at *Oxford*, or allowing his Scholars any Stipends out of the *Exchequer*; and therefore shall only acquaint the present ingenious *Custos Archivorum Oxon*, where he may find that Letter
of

of Mr. *Twine's*, of which, after some search, he could not meet with the Original Copy, which he may now find in the Middle of those ~~five Quarto Volumes~~ of Mr. *Twine's* ^{2 folios} M. S. on the upper Shelf, in the North East ^{3 quarto} Corner in the School's Tower, Page 385. For ^{of collection} this was one of those Sinister Arts that Mr. *Wood* has used, that for what ever he borrowed from Mr. *Twine's* Collections, and had ^{with many other folios upon several heads} none to quote for it, he used this Stratagem ^{out of the} to conceal his Thefts from that Author; for ^{I think towards the} he got the Place transcribed and attested by a Publick Notary, and then did not quote the Place in the School's Tower; for then the Manuscript must have been quoted where it was lodged; but quotes it with a *penes me A. Wood*. In that Letter there is put a great Compliment upon Mr. *Twine's* History; but a very slender Proof that ever that Passage was anciently found in the primitive Copies of *Asserius*.

T H E R E is another Letter of Mr. *Thomas James's*, dated the 1st of *April*, 1600, writ to the famous Mr. *Tho. Allen*; in which he gives an Account of the diligent Search he made to meet with any Copy of *Asserius*, but he could find none, neither in *Bennet-College*, or elsewhere in *Cambridge*; but found one in the Lord *Lumley's* Library, which he thinks was that Archbishop *Parker* used, and which Insertion was not to be found there: And he says, he sees not how that Passage could come in

in properly in that Place; but after owns that it was written by two different Scribes, and those often Faulty, and full of Mistakes: But what is more material, he tells us, in the End of *Afferius* is described at large, the Building and repairing of the UNIVERSITY of *Oxford*, which he, *Alfred*, founded at his own Costs: The Letter is pretty long, and tells us, the Book he describes contains Folio's 107. the Contents of this Letter will plainly discover, whether this be the same that is now extant in the *Cottonian* Library. This Letter is to be met with in the 1st of Mr. *Twine's* M. S. fol. 75. b.

CONCERNING Mr. *Twine*, I have in Part spoken already, and if I may have Liberty to discover my Opinion, he was not the sole Author of that Book that goes now under his Name; partly because of his Youth when he published it; and next, because I find that the Leave given him to inspect the UNIVERSITY Muniments, was not granted 'till the Year foregoing the Printing of his Book; and his Genius leading him towards History, Mr. *Tho. Allen*, that great Antiquary and Mathematician, might furnish him with all his Collections upon that Subject he was then to undertake. But possibly my Reason for this may be built on a weak Foundation, chiefly from some Words I meet with in the 318 Sect. of his *Apologia*, which seems to speak the

the Author a great Mathematician, and not only to have read *Roger Bacon*, but *Ptolomy* also.

BUT whatever Mr. *Twine*'s Historical Studies were before, he never left pursuing the same Tract to his Life's end : So that nothing could have been said liklyer to diminish Mr. *Twine*'s Fame, then to tell the World that Story which Mr. *Wood* has done, in his *Ath. Oxon*, p. 27, 28. In which he says, That by a Fire in *Oxford*, most of his, Mr. *Twine*'s, MSS. were lost in it, except some which he bequeathed to the UNIVERSITY; and bemoans that Loss, and says, If it had not happened, either his own History might have been spared; (that possibly may be true, if Mr. *Twine*'s intended History had been published) but that Mr. *Wood*'s might have come out either sooner or later; which without Mr. *Twine*'s M. S. had been still in being, I can no way assent to; for you may trace Mr. *Twine* thro' all his Books, and by References from one M. S. to another, and the Characters for every Volume, I cannot find certainly, that any more then one is now wanting: So that his precedent Story, concerning Six or Seven of his M. S. Volumes in 4to. being offered by the Soldiers to Scholars, for considerable Rates, what Truth there may be made out of this, I know not, but for my self, I must needs say, I see no cause to give much
Credit

Credit to it. And this shall suffice to have been said of Mr. *Twine*, the first *Custos Archivorum*. And by the learned Dr. *Langbain*, in several marginal Notes to Mr. *Twine*'s M. S. often called his worthy Predecessor; tho' that great Scholar is forced to descent from Mr. *Twine*'s Judgment and Consequences in many Places.

AFTER Mr. *Twine*, it is fit I next speak of him, who was most obliged to him, and that was Mr. *Anthony Wood*, the Writer of the History of the UNIVERSITY of *Oxon*; who, I think, has made even better Use of Mr. *Twine*'s Manuscripts, than the Author himself would have done, had he lived to publish his own History: For being born in *Oxford*, therefore knew all the Places and Streets in it, and was not liable to those Mistakes, which Mr. *Twine* himself sometimes fell into. And tho' I having noted some few Mistakes in him, relating to *Merton-College*, which he would willingly have persuaded the World to have been more ancient, than either *University*, or *Balliol-Colleges*, and was no less desirous to promote his own Honour, than that of his own COLLEGE; yet in most other Places, and Matters, he seems to be an exact Observer of Truth. And as to the *Athenæ Oxonienses*, that Performance is wholly owing to his own Labour and Industry, and in which Mr. *Twine* has had no Hand at all.

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I confess, he has endeavoured to set forth the Antiquity of *Oxford* to the utmost of his Power, and therefore takes all Opportunities to make the first Foundations of that UNIVERSITY, to have been borrowed from the *Greek* and *Latin* Schools of *Greek-Lade*, and *Latin-Lade*, as *John Ross* and *Mr. Cambden* had done before him; but in all other Matters that have happened since the *Norman Conquest*, he has digested them into very good Order; and in one Particular has been more obliged to the several Orders of Mendicant Friars, than to any other Society of learned Men whatsoever; and has also given us a better Account of the learned eminent Persons in every COLLEGE, than I believe most of the several COLLEGES could have done for themselves; and this I must own he has better done for UNIVERSITY COLLEGE, than any other that either went before, or is shortly after like to follow him. and

It was he that first gave a true and publick Notice to the World of *William* of *Durham's* Benefaction; and rejected that Charter that goes by the Name of *Chapernay's*, the pretended Chancellor at that Time of the UNIVERSITY, with the Mention of Proctors, before there were any such Officers that we elsewhere read of, 'till a considerable Time after; and which had so prevailed over the Judgment of *Mr. Twine*, or

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his *Informer*, that the Deed was so authentic, *Quod mentiri nescit*. This industrious Writer first endeavoured to expose that Fiction; but yet, for all this, was so far wrought upon by the Importunity or Friendship of Mr. *Ob. Walker*, that he somewhat mollifys his former Rejection, and quotes a Saying of *Aristotle's*, *That many Things may seem likely that never were, and others which some would think impossible, have really come to pass.*

BUT tho' I must needs commend his Sagacity, in discerning those Flaws which some others never discover'd before, nor would assent to afterwards: yet I cannot pass by the Artifices he has used, to make UNIVERSITY COLLEGE appear of a later Foundation than it really was; for whilst he confutes that Forgery, he shuffles in a Falshood, as opposite to Truth as the other was, in these Words, *Cum tamen in prædicto Statutorum libro memoriae proditum sit, Collegium illud anno MCCLXXX, quo tempore Archidiaconatu Dunelmensi fruebatur, dotasse Gulielmum.* I know not well what Sense to make of these Words, but this I know, that I remember not any such Passage in our Statute Books, nor did I ever hear of the Charter of *Inquisition*, 'till a long Time after I had been in the COLLEGE, and Mr. *Wood's* History had been Printed; and therefore he here mixed Things of a different Date; the Statutes he speaks
of

of were made thirty one Years after *William* of *Durham's* Decease; and who never was Archdeacon of *Durham*; and borrows out of that false Deed, something that he thinks makes for his Purpose, to overthrow or invalidate one that is true and unquestionable.

I have now done with later Authors, and must take Notice, that as *Mr. Wood* was obliged to others to turn his History into the Universal Language, and which as I take it, *Mr. Wood* himself afterwards translated back into *English*, and which remain now in the *Museum*, called from him *Wodipnum*; so there ^a is a later Author, who has contracted the *La-* ^{Dr Ayliffe} *tin* History into two Volumes; having added many Things, and chiefly relating to the Civil Law, of his own Composing. I never either heard of this Book, nor of another, called the *Terræ-filius*, 'till I had well nigh printed a great Part of this Discourse. In the *Terræ-filius*, whether he writes true or false, I find nothing relating to my subject there; but in the other, the Author seems to have borrowed, and fallen into the Opinion of King *Alfred's* HALLS and Scholars; but I hope this false Opinion is so far refuted already, and shall be further answered in what follows, that I need speak no further of it in this Place; this that I have already mentioned, is in the Beginning of his Book, but when he comes to speak of the COLLEGE itself, Page

247, he recites to us a different Opinion, and what I think I never read of before, quoting the *French* Petition for it, and supposes it a Mansion for Scholars long before King *Alfred's* Time, and that the true *St. John* of *Beverley* had been educated there. I shall let this pass without Examination, since *John* of *Beverley's* living in *Oxford*, no Way proves but rather lessens King *Alfred's* being the first Founder of the COLLEGE. In the next Place he refutes their Opinion who think K. *Alfred's* HALLS were ruined by the *Danes*, before *William* the Conqueror's Time, and proves it from K. *Edward* the Confessor's *Edict*, that restored all Scholars to their ancient Rights and Privileges, and also to their Pensions as well as Habitations; if he can but produce me such an *Edict*, well attested, I will allow him to have done more to prove King *Alfred's* being our Founder, than all that have writ before him have, and when I see that *Edict* I shall as readily embrace that Opinion, as I have hitherto strenuously opposed it: But after all I doubt it will prove no better than a *new-nothing* at last; for he quotes no Place where it may be met with, and we must have more Experience of his Sincerity, than to take his bare Assertion for an unquestionable Evidence.

BUT this Author goes on, and says, they lett this HALL to the Scholars before King *Henry* the 3d's Reign. I so understood this
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Passage, as if one Sort of Scholars had let it to another Sort of Scholars, 'till it follows, by what Right is not so well known, but I see at last it refers to another Antecedent, the Citizens; and tho' he will not know by what Right they came to that HALL, where UNIVERSITY COLLEGE is now placed, it was, as they did to above two hundred others, either by Purchase or Inheritance; next comes a rapping Lye, (tho' I will not Charge this Author any further with it, than as a bare Reporter) that the Citizens continued the Possession of it until *William*, Archdeacon of *Durham*, bought it out of their Hands, and by his last Will and Testament gave it to the Scholars: It is evidently False that *William* of *Durham* bought it himself, or bequeathed it to the UNIVERSITY, or that the UNIVERSITY purchased it with his Money: It was bought long after by two of the Fellows, *William Nadale* and *Robert Patrington*, and conveyed by them to the Masters and Scholars of UNIVERSITY HALL, the 20th of *July*, A^o. 1332.

HE goes on a little further, and having quoted two Opinions he will not stand by, rejects one of them, because it makes *William* of *Durham*, and the Rector of *Weermouth*, one and the same Person; as throwing the Word *Archdeacon* aside is evidently true, and will so appear to every diligent Reader. This Author proceeds further, and tells us, this Archdeacon,

which when applied to *William of Durham*, is no more to us, than the Man in the Moon, a mere Fiction! and was not only a Friend to the Society, but to the UNIVERSITY also at large, bequeathing three hundred and ten Marks, for the Liberal Education of ten, or twelve Students; which Money the Chancellor and Masters lent to Scholars, upon Security given for the Repayment thereof; so that from the Interest hence arising, the said Number of Scholars might be supplied for their Necessities; this continued for many Years, as may be seen in a Letter of *Adam de Marisco*, to *Rich. de Sancta Agatha*, Chancellor of the UNIVERSITY, requesting the Loan of 40*l.* of *William of Durham's* Money. For *Simon de Valencinis*, and from several other Writings, and then he goes on with a great deal of Truth, out of that Inquisition, or first Statutes; but yet he seems all along to make a Difference between what *William of Durham* gave to the COLLEGE, and what he gave to the UNIVERSITY, and then confounds them both together, of which as before he had made two Societies. It would be too long a Business to refute all his Mistakes, I shall only mention one more than I have done already; which is this, and it implies something of Ignorance in his own Profession; for styling himself L. L. D. which signifies Doctor both of Canon and Civil Law:

+ Dr. Aylmer ought to have read Robt.

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He ought to have understood, that one of these Laws at least forbid the taking of any Interest; and that a Christian, who had not confessed his Fault, and got Absolution for his taking Interest, before he died, all his Goods were forfeited either to the Pope, or to the Church; and that the taking of Interest was not allowed by the Laws of this Land, 'till K. Henry the Eighth's Time; and by some Divines, tho' I think they are mistaken in their Judgments, amongst which Bishop Andrews is one, in his *Theological Determination de usura*, p. 115. Now the Way most generally made Use of, as I gather from a Purchase made with William of Durham's Money, was to purchase a Rent-Charge, as Chancellor Beck did; where for 7 *l.* he bought a Rent-Charge of 15 *s. per Annum*, as I have before related: This I know is a little foreign to my Subject, yet because I thought it might be useful to some Readers, I took the Occasion here offered me by this Author to mention it.

THE next Thing I take Notice of is, to agree with him in a Remark he makes, *that the present Statutes, by the which the COLLEGE is now governed, may need some Regulation and Amendment, as well as some additional Injunctions; and if I am not mistaken, a Royal Confirmation for the better Continuance and Establishment of them.*

I shall have Occasion to shew presently,
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e that some Persons have concurred in the same Judgment long before his Advice was published, as to the first Part; nor would they be unwilling, could it be obtained, to see the 2d Part also effected, of which, possibly now, there is more need than ever; But to have the Statutes regulated, ⁺as Doctor *Charlſt* endeavoured, I think neither just nor advisable; and tho' this Author has omitted a great many Benefactors, that deserved to have their Memories preserved, far better than Mr. *Simon Parrot*, whose Gift is now become a greater Burthen, than it was ever a Kindness to the COLLEGE; yet I shall pass them by at present, to come to the Conclusion of his Narrative concerning that COLLEGE, which is altogether as false, as any Thing I have refuted in this whole Discourse.

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+ here & in all places

ers, asking either their Advice, or Consent, he declared a noble Persons Fellowship void; I suppose chiefly, because he never gave his Consent to Dr. *Charlot's* Election, and wanted nothing but Years to have been preferred, by the whole Society, before a mere Foreigner. This I believe might lay at Heart, and therefore he hoped to remove him out of his Place, by Virtue of an Order made by the Vice-Chancellor, Doctors of Divinity, and Proctors of the UNIVERSITY, and as they called themselves, legal Visitors of the COLLEGE; which possibly, tho' those Persons might not know so much, was false, and a great Invasion upon the Right, and the Jurisdiction of the whole UNIVERSITY, who were our original Visitors, and made our Statutes, and confirmed even those made by Bp. *Skirlow* himself, and had been often appealed to, against any Judgment irregularly passed, or thought to be irregularly passed by the Vice-Chancellor, Doctors, and Proctors. Upon this Occasion an Appeal was designed to the Convocation against that pretended Statute; and upon that Fear and Conviction that his Cause could not bear Water, the Master contrived a Way to get his own Act over-ruled by the Vice-Chancellor, Doctors, and Proctors; and the Gentleman restored to his Place to avoid further Discredit by that same Hand or Order, that had struck his Name out of the Rank of Fellows

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lows in the Buttery Book; and the Gentleman afterward continued peaceably in his Place (notwithstanding that pretended Statute) for many Years together, 'till of his own Accord he was pleased to resign it. This is the Truth of the Story, shortened in Deed, but no Way falsified; but no sooner was the noble Person I am speaking of employed Abroad, in his own Affairs; but the same evil Spirit that haunted the Master before, fell upon him again, and he very unkindly (I cannot absolutely say injuriously, for it was after my Removal, and I was never perfectly informed of the Case,) ejected another Fellow but the Effect of his Arbitrary Spirit drew him to work upon the Heads of Houses, (for such most of the Doctors of Divinity are) to Challenge that usurped Right, which he would gladly have them possessed of: Having therefore turned out one of the Fellows that had held a Living only six Months, contrary to all Practice and Custom before, who 'till that Time had always held their Fellowships and Benefices for a Year of Grace, as is Practiced, I think in all, or most other COLLEGES, and where their Statutes do not provide for it, founded upon a Clause in the *Reformatio Legum Ecclesiasticarum*; which tho' they have not the Power of Legal Canons, they have the Power of Reason, and so many Wise Men's Judgments that composed, them, who gave this Direction in this Matter,

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ter, that those who being Fellows of Houses and preferred to Benefices, shall have the full Allowance of a Year of Grace; being by Law enjoined to pay their first Fruits to the King, and to provide themselves with Money for their Removal, and buying them Necessaries for House-keeping in those Places to which they remove: Now this same Master, *Charlot*, not only persuaded those Doctors of Divinity to give no Relief to that Appellant; but farther to pretend to make them two new Statutes also; the first of which (as *Dr. Aylyffe* informs us) *enjoined all the Fellows to quit their Fellowships, at the Expiration of one Year, after their Institution into any Rectory or Vicarage; and the other, enjoining all Fellows thus instituted, to give Notice, or Intimation of such Institution to the COLLEGE, within the Space of one Month after receiving the same, under the Pain of Forfeiting the Benefit of this Year of Grace.*

I know not whom to blame for this Account last mentioned, whether the Master that told him a Lie, or the Doctor that invented it to make the Matter more plausible; for by the Copy has been sent me of this Statute the *Latin* Copy reads *sex Menses*, in both Places; but this Relater talks in both Places of a *whole Year*; who is to have the Glory of this downright Lie must be left to others, who are more intimately acquainted on which Side the Truth lies; but whoever is faulty here, all will lay the
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HAVING thus considered what most of our *Latin* Historians have said, relating to our present Purpose, I think it scarce worth my Time to take Notice of our *English* ones, who must have borrowed what they have from them, who first propagated those Errors, and

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HAVING thus considered what most of our *Latin* Historians have said, relating to our present Purpose, I think it scarce worth my Time to take Notice of our *English* ones, who must have borrowed what they have from them, who first propagated those Errors, and

and whose Variety is so great, that they seem to have taken Pleasure to contradict one another; for Mr. *Kay* himself seems to suppose a COLLEGE, or School of Learning before King *Alfred* was born: The like may be said of the *French Petition*, and the *Memorandum* in some of the COLLEGE Statute Books. The same Person, and *John Rosse*, and our Register-Maker, place it in the first or second Year of King *Alfred's* Reign; in fixing the Beginning of which, there are three Years difference amongst our ancient Historians; some placing it A^o. 870, some 871, and some 872; a M. S. Mr. *Wood* quotes, puts it A^o. 872. The Inscription in the HALL, I think, in 871, Bale 873, or 874. Mr. *Leland* and Mr. *Wood*, after King *Alfred's* Victory over *Godrun*, the Dane, A^o. 877, or 878. Others refer it to the Coming of *Grimbald*, the Year of whose Coming is also uncertain; some placing it under the Year 883, or 884, or 885. And some have deferred the restoring the UNIVERSITY of *Oxford* to the Year 886. And Mr. *Twine* seems rather to pitch on the Year 883, or 884. And Mr. *Wise* seems not wholly to agree with Mr. *Cambden*, but refers the Founding of the UNIVERSITY, to the Year 886, and the Quarrel to the Year 889. And one that has writ the *Saxon History*, bound up with *Speed*, places it A^o. 895. So much dissent, and so little certainty is there amongst new Historians writing about ancient Matters. AND

AND then as to the HALLS he built, there is a like Difference; some are for one HALL, only consisting of three Societies of Grammarians, Philosophers, and Divines, 78 in Number, all under one general Head or Master: Of this Opinion is *Rich. Witton*, *Tho. Kay*, and the Printer *Grafton*. I find not what *Rudburn* says to this Point, Part of his M. S. S. only being now printed; but from *Jo. Ross*, we may suppose him to have been one of the first Inventers of these three HALLS, and after him many others follow in the same Tract, as *Leland*, *Polydore Virgil*, *Bale*, and most *English* Writers. I find *Brompton* pleading for, or at least reporting, That there were two Schools of *Greek-Lade* and *Latin-Lade*; and no doubt if he had lived so long as the last Age, those two Schools might well enough have been increased into three HALLS or COLLEGES.

IT happening that towards the End of *October*, I was got a little before my Printer, and having that Vacancy, I resolved to inspect the Collections I had made out of Mr. *Twine's Apologia*. I meet in his first Book, (besides my Confirmation, that he really mistook *John Kay* for *Thomas*) little else remarkable, save his confuting *John Kay's* forged Bulls, and other lying Charters of some British Kings, whom it is questionable whether ever they had any real being in the World:
But

But he employs himself in his second Book, to maintain all those Fopperies, which either his *Informers* or he had ever met with in all their Reading; some of which I have answered already, and shall take Notice of some others, as they now come in my way,

AND one of the first of them I meet with several Times repeated, §. 11th, 13th, and 23d, in which treating of *Bellofitum* or *Beaumont*, he quotes both the Chronicon of *Hyde-Abby* and *John Ross*, that the Schools of *Greek-Lade* and *Latin-Lade*, were removed into the Suburbs of *Oxford*; and that *St. Giles's Church*, (at the *North* extremity of the Town,) but under some other Saint's Name, was then the *University Church*, where Degrees were conferred, as afterwards at *St. Mary's*; and in another Place he omits that Addition, that it was formerly called by another Name, and expressly calls it *St. Giles's*; but then he is silent that *Rudburn*, or the Chronicon of *Winton* says, that it was removed thence in the Year 1354 occasioned by Prince *Edward's* having the Gates shut against him, and that the Scholars were oppressed by the Country Men's Coming in to assist the Burgers. But all this seems so idle a Tale, that it deserves no Answer, as appears by the Submission and Oath enjoined the Towns-Men, by the Pope's Legate, A^o. 1214, by which the Burgers were obliged, during the
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Space of ten Years after, to abate the Scholars half of the ancient Rents of their HALLS, which were then very numerous, and that within the Walls of the Town; and also fifty of the chiefest Burgers to swear to preserve the UNIVERSITY's Privileges. In § 80, He tells us, that in some Ancient M. S. of *Afferius Menevensis*, it is said, That *St. Grimbald* built *St. Peter's Church* in *Oxford*, and that it was consecrated by the Bishop of *Dorchester* (whose See was afterwards removed to *Lincoln*). I suppose he did not here believe the Truth of what he says, otherwise he would have quoted where the Manuscript was to be found, or whence he had that Report. §. 139, He allows *St. John of Beverly*, to be ancients than King *Alfred's* Days, and yet to have studied at *Oxon*. §. 147, He says, the same Saint was always admired, and his Day kept and observed in the *Rationali* of the UNIVERSITY, and by the *Aluredians*, as he styles them. But I must have more than his own Word to believe this, if he intend it of the Time, before that Day was consecrated in the Time of Archbishop *Chicheley*, as I take it; but I shall have Occasion to speak more of this hereafter. §. 172, and 176, He quotes also some Authors, that say *Grimbald* was Chancellor of the UNIVERSITY of *Oxford*: I believe it will be a hard Thing to prove that

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any had ever that Name 'till after the Conquest. In the same §. 174. He quotes the Annals of *Winton* to prove that *Oxford UNIVERSITY* was founded or begun A^o. 886, two Years after the coming of *Grimbald* into *England*: But how is this reconcilable with many other of his Authors? Where he also makes two different Persons of *Asserius* and the Monk of *St. David's*, who were certainly one and the same Man, if we may believe what *Asserius* writes of himself. Here he also Corrects his Copy, or as the Printers call it, the *Magnificat*, and for 886, says it should be read 883, or 884; and then adds, That *St. Neotus* lived to the Year 884, which I believe the Author of that Saint's Life will not allow; but rather applies it to a Vision after his Death, by which King *Alfred* was advised to found, or restore the *UNIVERSITY*: So that Mr. *Twine* seems to have forgot himself, or to have given credit to several Authors in Things wherein they contradict one another.

§. 176, HE quotes *Ralph Higden*, which I have replied to before, and then seems to confirm what *Higden* has said from *Nich. Harpsfield*, and a Note of some Anonymous Author in the *Oxford Library*, in these Words, *Iste Grimbaldus primo Cancellarius presente Rege, &c. Legit primo lectionem Scholasticam, qui paulo ante fuit Parisiensis Cancellarius.*

larius. It is a Wonder that any should quote such Authors, as no intelligent Person can believe or assent to.

I think it scarce worth my while to take further Notice of most of what *Ross* has said of his three HALLS, and *Witton* and *Kay* of but one HALL, and three Companies of Grammarians, Philosophers and Divines, seventy eight in Number, under one and the same Head, or Master. The *French* Petition only mentions Divines, and I fancy *Witton* only found the Grammarians and Philosophers in his own Brains; and that *Rudburn* and *Ross* divided them into several HALLS, for *Witton* lived some Years before the two others; but why either *Witton* or they divided them not into Scores or Dozens, seems to me unaccountable; and as to the quoting *Chapernay's* Charter, or other Muniments of the COLLEGE, they are either false, or nothing to the Purpose, or to as little as Mr. *Twine's* referring us to the ancientest Registers of the UNIVERSITY; for tho' he styles them ancient, yet as to the Matter in dispute, they are Novelties, and none of them older than the Year 1434. And should we grant these Registers never so fitting to be applied to in this Case, they will prove so far from doing him a Kindness, that they would rather prejudice his Cause: For in several of them, when their *Principals* gave

Stipulation to the Chancellor for the paying to the Owners the Rent of them: The HALL in *School street* is often stiled *Parva Aula Universitatis*, or the little HALL of the UNIVERSITY; and the other little HALL in *High street*, is barely called *Aula Universitatis in alto vico*: And in the Year 1469, they are both stiled by the common Name of the little HALL of the UNIVERSITY, the one in *School Street*, the other in *High Street*. So little do some Authors discern what makes for them, or what against them.

HAVING thus occasionally mentioned the HALLS of the UNIVERSITY, as I find them in the Register of the Chancellor's Court, I think it not amiss to acquaint the Reader, that in the Book, beginning A^o. 1434, I find their Number about that Time to arise to near Eighty, but in a later Register, A^o. 1503, they were decreased to about 50, but in the Year 1511, there are no more mention'd than 26 HALLS and 2 Schools; I cannot readily find any more such Accounts in my Collections; whether there were no more entered in the Register, or I omitted the transcribing of them I am not certain? only this I observed, that their Names were sometimes changed, and their Number was lessened, as the COLLEGES increased, and took in some of them within their Precincts, and that as I suppose some HALLS were annexed one to another: For
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as I take it, by the old Statutes, one Person could not be *Principal* in his own Right of more than one HALL at a Time; but tho' the Scholars might live together under one Principal, yet in the Register some other Person bears the Title for him; so that *Brazen-Nose Hall*, and *University-Hall*, and *St. Thomas's Hall* were intituled to their several Principals; but tho' all belonging to UNIVERSITY COLLEGE in the Year 1511, they are put together under the Title of *Aula Aenea*, and Mr. *Smith* was then Principal, and in the End of that Year continued Principal by the Founders, when erected into a COLLEGE, under the same Name it was called by, when a HALL only. Mr. *Wood*, in relation to this HALL, or COLLEGE, p. 212, reads 12 s. for 12 d. and should have mention'd *St. Thomas's-Hall*, with the two others, if he had known so much, this HALL having been lett with *Brazen-Nose Hall*, A^o. 1417.

§ 312, He takes notice of *Hugh Coriat's* Verses and Prose to the Queen, when at Oxford 1566; who there says, That *William*, Arch-deacon of *Durham* founded the COLLEGE under King *Alfred*, A^o. 873, which *John Kay*, as well he might, has opposed as a Fiction, because the Name of *William* was not known in those Days; which whether the one's Story, or the others Objection be more convincing, I know not. But § 315,

He tells us out of *Ross*, that *William* of *Durham* gave 300 *l.* for the maintaing 13, 12, or 10 Divines, neither Part of which is exactly true, but shews that the Original Statutes were seen and reviewed by them; and therefore Mr. *Twine*, or his *Informer*, should not have quoted both, and much less the forged one, under the Title of a Deed *that could not Lie*. And in § 318, he lays so great stress upon it, that he will needs confute *Matt. Paris's* Account, from this Charter, which recites the Lands *which were not purchased 'till 30 Years after the pretended Date of it*, and almost trebles the Number of Houses as bought by the UNIVERSITY which were purchased a long Time after by Fellows. Besides in § 188, he had quoted the same first Statutes, that the Fellows were all to study Divinity, except only, that in the long Vacation they might hear the *Decretum* or *Decretals*. These Quotations shew, that Mr. *Twine* was no Stranger, either to the false Charter, or the true Statutes, as though he had thought that the multiplying Witnesses made for his Cause; altho' what one affirmed the other denied, so as to bring the Alledger of them, in a Sort, to contradict himself.

THERE is one Passage more in this 2d Book, that it behoves me to observe, and give it an Answer, because it is wanting in its proper Place, I not having then called it to mind;

mind; it is to be met with in § 179. Will'us Malm. *in suo de Glastoniensis Cænobii antiquitate, qui incipit.* Post Dominicæ Resurrectionis Gloriam, &c. Rex Aluredus Dei servus Neotum sæpius adiit, suisq; non unquam utebatur consiliis; consilio namque Neoti Abbatis Scholas publicas variarum artium apud Oxon, primus instituit Aluredus. Romamq; legatos misit obsecrans dominum Martinum 2dum ut Anglorum Scholis eandem libertatem, quam Romæ habent dignitatem concederet; & quod a sanctissimo patre petiit absque ulla cunctatione impetravit, & in multis articulis privilegiari procuravit.

I leave it to the Criticks to pass Censure, whether this Passage agrees with the usual Stile of the Author, under whose Name it goes; for it would, were it his, be of more Moment then most of what the Abettors of this Cause have produced for it. *Job's Caius* rejects it, as a Fiction of some other Monks. And if *William of Malms.* had known any such Thing, he would, as I suppose, have mentioned it in the Life of that King, and not have reserved it for a Place more improper for it.

BUT consulting a Note that *Onuph. Panvin* has added to *Platina*, he affirms this Pope's Name was not *Martinus*, but *Marinus*, in all his Bulls and Diploma's; and consulting *Asserius Manevensis* under the Year 884, in the

Oxford Edition, p. 39. I read these Words, *Eodem anno Beatæ memoriæ Marinus Papa Universitatis viam migravit qui Scholam Saxonum in Roma morantium pro amore & deprecatione Ælfredi Anglo Saxonum Regis ab omni tributo & talento telonio benigne liberavit.* Which Privilege many Authors since have misapplied to the UNIVERSITY of Oxford; Mr. Jo. Kay in his History of Cambridge in 4to, Pag. 315. in which Place it will be found with this Note in the Margent, *Dolus posteriorum scriptorum*; and in the Text he informs us, that the first of the foregoing Citations is borrowed from the Life of Neotus; the 2d, from Higden; the 3d, from Jo. Capgrave; and the last from Ralph Higden.

HAVING thus gone through the greatest Part of Mr. Twine's Apology, I come to §. 303 and 304; in the Former of which, he to prove the Antiquity of Oxford, cites a Bond of the UNIVERSITY, wherein the Chancellor, and Company of Masters bound themselves to forfeit 200 l. to the Priory of St. Frideswide, if they, or any from them should disquiet, molest, or agrieve any within the Precincts of that Monastery, and towards the latter End uses these Words, *Obligamus nos & successores nostros & unumquemque nostrum per se solum & in solidum*, in all their Goods moveable and immovable, Witness the common Seal of the UNIVERSITY, dated July 25. A^o. 1201. I have

have often perused this Bond, which is extant in *Pix. Y. N^o. 1.*

Now Mr. *Twine* says, this is the oldest Writing under the Seal of the UNIVERSITY, (he might have said, or under any other known Seal whatsoever, in *Turre Scholarum*,) and says it is the same the UNIVERSITY uses, if not numerically, yet not differing from it; and then goes on to suppose a Change after *Peter Paine* had got a False Testimony under the old to recommend him to the *Bohemians*; but I can hardly assent to what he says in these two Sections, for in another Volume of his Collections, the first of five, that stand together on the uppermost Shelf, in the N. E. Corner of the School's Tower, he observes, that this Bond is not copied in the first Register of that Priory, made in *Edw. the 2d's* Time, but in that which he calls the better, in *Rich. the 2d's* Time, the one belongs to *Corpus Christi College*, the other to *Christ-Church*. But the first for the most Part is a true Register, and in a fine Hand, the other is but in a mean Hand and full of Forgeries, and tho' it be true, that he says a Copy of it is not extant in the older, yet that, or another as spurious as it, is in another, and not its proper Place, afterwards inserted into the elder Register.

THIS Bond was by Mr. *Twine* shewn to Sir *Robert Cotton*, and Sir *Henry Spelman*, to pass their Judgment upon it; Sir *Rob.* thought it

it fictitious, because the Name of an UNIVERSITY was not in Use 'till *Henry* the 3d's Reign; and Sir *Henry* thought it was Novel by the Hand it was writ in. But Mr. *Twine* produces Arguments to Answer both their Objections, but such as I can no Way rely on, and therefore shall not repeat; but only observe that I believe the UNIVERSITY was not then a Body Politick, and so had no Seal, but if any can persuade himself they had; yet this will refute the Genuineness of it, that it was dated *in domo Congregationis*, which was a Place that had no being then in the World, for the Congregations used to be kept in St. *Mildred's*, or St. *Mary's* Church, but the Congregation-House it self, was not built 'till towards 1330. Mr. *Twine* speaks of two Seals, the old and the newer, and then quotes one as the older, sealed by the UNIVERSITY to the first Warden of *Merton* COLLEGE A^o. 1276, and another to UNIVERSITY COLLEGE Statutes, A^o. 1311 and then he quotes, as a newer Seal, one that was made to a Lease, when Dr. *Palmorna* was Chancellor A^o. 1350; but I have seen several Seals of the UNIVERSITY, but I can find no Difference in them all; and as to his Thinking the Seal was changed upon *Peter Pain's* having surreptitiously gotten a Testimonial under the old Seal, directed in his Commendation to the *Bohemians* and that the Change of
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the Seal was made thereupon, agrees not with what he says before; for if that to our Statutes, A^o. 1311, be the old one, and that of *Palmorna* the new one, A^o. 1350; there would have been a new, and an old Seal, long before that of *Peter Pain's*, which bears Date A^o. 1406, so that I take this change of Seals to be a mere Crotchet, or Conceit of Mr. *Twine's*, as many of his far fetched Consequences used to be.

THE latter Register of St. *Frideswide's* abounds with false Charters, for that which immediately preceeds the Bond now spoken of is as spurious as the Bond it self; It is a Charter beginning *Omnibus &c. Universitas Civium Oxonfordiæ*,—— whereby, *inter alia*, they own St. *Frideswide's* Fair was beyond the Memory of Man, kept both in *Oxford*, and the Suburbs thereof, and that the Major-Bailiffs, &c. that had their Keeping, delivered up their Keys for those 7 Days to the Priory, and that if any of the Village, &c. for so it calls the Town, tho' it be otherwise in the Beginning of the Deed, and afterwards the Community of Burgeses are to Forfeit 200 *l.* if they should any Way disturb the Fair; it is said to be sealed with their Common Seal, but without Date, and with about 20 Witnesses: I only observe this, amongst many others, to shew how fashionable it was in King *Rich.* the 2d's Time, to deal in Falshoods and Forgeries: For that Fair

Fair was not kept on St. *Frideswide's* Day, 'till long after, when alter'd by a new Charter.

or Book
THERE is still another Argument brought from the Authority of the UNIVERSITY, that King *Alfred* was the Founder of that UNIVERSITY, and therefore of all likelihood of the COLLEGE also: Mr. *Twine* mentions it, B. 2. §. 218; where he quotes an Epistle of the UNIVERSITY, to the Benedictine ~~Black~~ Monks, at their Convention in *Northampton*, A^o. 1426; It happening that I had by me Copies of most of those Epistles in their Register F. in *Turre Scholarum*, I sent to consult it, and to my Admiration, I found that King *Alfred* is not so much as mentioned in it, only they compliment them, *that the UNIVERSITY had its Original from their Order*; from these Words, Mr. *Twine*, by several *Mediums* as I suppose, thought he had some slight Ground to apply it to King *Alfred*; but I conceive most Men will be of Opinion, that such weak Arguments do rather destroy, than confirm the Cause they are alledged for.

ABOUT the Time of Writing this Epistle, or not long before it, I have some Reason to place the Date of the *Memorandum*, printed by Mr. *Twine*, §. 249, as taken out of the Statute Books of our COLLEGE. I will here recite the Words in *English*, there being so many Places where they may be found in *Latin*, if any think it worth their while to consult such an absurd Quotation. LET

LET it be remember'd, that about the Year of our Lord Eight hundred, King Alured, otherwise Alfred, founded this COLLEGE, whose Exhibition was continually taken out of the Exchequer, at least till the Time of the Conquest exclusive, then William the Conqueror endeavouring with all his Might to destroy the English Tongue, with-drew the aforesaid Exhibition, unwilling to maintain Clerks to preach the Faith in the Vulgar Tongue; And then the Scholars of the COLLEGE did a long Time live out of the Charity of those that loved our Language. (here Mr. Twine Stops, but the Memorandum it self goes on and adds) which is sufficiently evident as well from some Letters Patents in the Royal Muniments on one Part, as from an old Writing in a little Mass-Book, as other Archives in the College.

I can Witness there are no so such Muniments in the COLLEGE Treasury, nor any Thing like it in any of the Statutes: Now the present Statute Books to be found in the COLLEGE, that I know of, are of no long Continuance; but there was once in my Time a Copy or two in Parchment, in an old Hands, which I could not at that Time read; but those that we usually did read, were on Paper, and in a late and legible Hand: one of those old Statute Books was lent Mr. Nailor, and as he pretended was lost by him; But for ought I know

I know he might discover something in it which he did not like, and therefore never after would produce it, and for which I will alledge a probable Reason; for there is a vast Difference in one Particular, between the Original Statutes, now remaining under the UNIVERSITY Seal, in the School's Tower, Pix. I. N^o. 10. which limit the Fellows to hold no Benefice above 5 Marks *per Annum*; but in the modern Statute Books, ~~in~~ the same Article, reads ten Marks; Now Mr. Naylor had a Vicarage at that Time, inconsistent with the five Marks; but then this is but a Surmise, and I only mention it as such, because I think that it was no likely Matter, that such a Book should be lost by him, or stole from him; now, if the Change was made in any of the old Statute Books, and they had any lawful Reason for it, it must be after the Year 1475, when that Statute was alter'd, and Allowance given for ten Marks, *deductis oneribus*. But let us suppose this, if you please, to be as old almost as the *French* Petition, for had it been elder, and any Credit given to it, this would have been produced, and the *French* Petition laid aside; but possibly, as we may guess, that being found Faulty, this *Memorandum* was invented, and put in its room. But be this as it will, as no discreet Man can think it true, so no skilfull Man could invent it; for would any, that
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had Wit in his Brains, name a Year, and say something happened near that Year, by a Man that was not born 'till forty nine Years after; for King *Alfred* was not born, as the Writer of his Life, in his own Age informs us, 'till the Year 849; nor yet a King to build HALLS and COLLEGES, 'till full twenty two Years after, A^o. 871. Such Arithmeticians as these are fit to be exploded, and nothing took for Truth that comes out of their Mouths: And surely these Men, if they had believed themselves what here they Report, would have alledged to the King those Letters Patents they here brag of, and never send us to an old Mass-Book, or to any other Place, where they could never be found.

I should therefore have passed over this Argument in a few Words, and not even charged Mr. *Twine* with citing it; but I cannot do so, except I would betray the Cause I write for, out of Compliment to an eminent Antiquary,[†] who, I hope, is still living, and has shewn himself almost as indefatigable a Patron of a bad Cause, as any other ever did of a good one. For having printed King *Alfred's* Life, writ by the ingenious Sir *John Spelman*, in English, in the very bloom of his Youth; this Author could not let the Copy pass through his Hands, without endeavouring to give what Authority he could to the Fiction of King *Alfred's* Halls and Scholars

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I know he might discover something in it which he did not like, and therefore never after would produce it, and for which I will alledge a probable Reason; for there is a vast Difference in one Particular, between the Original Statutes, now remaining under the UNIVERSITY Seal, in the School's Tower, Pix. I. N^o. 10. which limit the Fellows to hold no Benefice above 5 Marks *per Annum*; but in the modern Statute Books, ~~in~~ the same Article, reads ten Marks; Now Mr. Nailor had a Vicarage at that Time, inconsistent with the five Marks; but then this is but a Surmise, and I only mention it as such, because I think that it was no likely Matter, that such a Book should be lost by him, or stole from him; now, if the Change was made in any of the old Statute Books, and they had any lawful Reason for it, it must be after the Year 1475, when that Statute was alter'd, and Allowance given for ten Marks, *deductis oneribus*. But let us suppose this, if you please, to be as old almost as the *French* Petition, for had it been elder, and any Credit given to it, this would have been produced, and the *French* Petition laid aside; but possibly, as we may guess, that being found Faulty, this *Memorandum* was invented, and put in its room. But be this as it will, as no discreet Man can think it true, so no skilfull Man could invent it; for would any, that
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lars, and Stipends in *Oxford*; but when a long Time ago I read this Book, and observed his Notes; I hoped an ingenious, learned and industrious Scholar, might have employed his Parts to much better Advantage, than I found he had done upon this Occasion; And if I shall do him any Wrong, I desire he will Right himself by the best Excuse and Apology he can make, either for himself, or the Person he seems to make a Companion and Partner in his Opinion; which as it is false, so cannot, with a good Colour of Truth be maintained.

THE Passages I shall take Notice of, are these two.

THE first is in the 146 Page of that Life, where the Historian citing what he had read of King *Alfred's* 3 HALLS, and 78 Scholars, this Note was added to it.——*This was about the Year 800, according to a Memorandum transcribed from an ancient Book, which I saw in the Treasury of UNIVERSITY COLLEGE, by the Favour of the learned Dr. Hudson.* And again, Page 196, where the Author speaks of the annual Stipends King *Alfred* gave his Scholars, this Note is added to strengthen what is there related.——*In a Manuscript Paper of good Note, in UNIVERSITY COLLEGE Treasury, I find express mention, that it continued to the Time of William the Conqueror, who withdrew the Ex-*
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hibitions, that had 'till that Time been made out of the King's Exchequer: Tho' in Mr. Leland's M. S. S. Collections (in Bibl. Bodl. F. 11. 18. f. 29. a.) 'tis said that K. Harold deprived those Scholars of their Revenue, and totally ~~deprived~~ the two lesser of these HALLS.
destroyed

Now the quoting of these two Passages, one under the Title of an *Ancient Book*, and the other, of a *Manuscript of Good Note*, and both in the *College Treasury*, and by the Favour of Dr. Hudson, who could otherwise think, but that Dr. Hudson laid great stress upon them? and therefore they are handed into the World upon the Authority of those two learned Men. Now I much question, whether either of these Gentlemen gave entire Credit to what is here so solemnly quoted, and did not perceive sufficient Signs of their Forgery, wherever they were found, as I have shewn already? Besides, the Artifice is something admirable, that they should make two Things, an *Ancient Book*, and a *Manuscript of Good Note*, out of one, and the same *Memorandum*; but that which is the foulest of all, is, to quote these two Evidences out of the *College-Treasury*, where I am sure they could never find them, except they carried them with them, on purpose to say they were once there; For I can swear there was no such Book or Paper, nor
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any Thing tending to King *Alfred*, save the *French* Petition, to be found there, that could countenance such a Report: Nor is it usual, or an easy Matter to carry Strangers into the Treasury, which cannot be entered without the Help of two Keys, one kept in the Master's, and another in the *Bursar's* Custody.

I should have passed over these Observations, without taking so large Notice of them, if the high Opinion, which the Persons discoursed of have deservedly obtained in the World, had not made it necessary to abate a little of their Authority; since otherwise, Men that knew the Fame of their Abilities, would be apt to imagine, that nothing could be true that was so Point Blank to their Opinions and Sentiments; and this that I have said might possibly not have been laid so open, if the Gentleman now quoted had been content with what he writ twenty Years ago; but to interpose a fresh in a Matter, that so little concerned him, and when a COLLEGE'S legal Rights ^{ever} ~~was~~ under Dispute, speaks something of an officious Temper, that gives his Opinion, (which they say Counsellors must not do) before he was first fee'd, and fully informed of the Cause he so warmly Pleads for.

NOT long ago I was informed, that Mr. *Hearne*, in the Appendix to *Langtoft's* Chronicle, in the Explication of the Word *Breve Regis*,

Regis, or Writ, has gone out of his Way to shew King *Alfred* was the Founder of the COLLEGE, but upon such Grounds, as I think I have sufficiently proved to be false, even *Richard Witton's* Assize, which I hope will speedily now be published: And I am much mistaken, if all the Counsellors in *England*, whether of the Common or Civil Law, be not of the same Opinion with my self, that what we read there, is not only a false, but considering the Time he fixeth it to, an absurd Fiction; yet if this Gentleman can convince me of the Contrary, I will be as ready to own my Error, as I hope he will be willing to own his, if upon farther Consideration he find it to be so: For I will acknowledge before hand, that whoever reads that Plea quoted by him, and believes it was really true, must needs be of that Opinion he now so zealously Endeavours to propagate and maintain.

HOWEVER, if after all he will stand to his Quotation, and affirm all he has said is true, and what I have represented is false, then I say, I hope all true Members of the Church of *England*, as by Law established, will assoon believe me that am going out of the World, as they will do him, who comparatively considering my Age, is but as it were coming into it. I know, and have heard from Mr. Pullen, that when he was a Freshman,

man, he was full of those Fancies, which he read, as one might call it, in his Childhood, and they have grown up with him; for I should have been as willing to have found any sure Ground to have built on, to have proved ours a Royal Foundation, as any one whatever: But after I discerned it was all mere Fiction, Truth prevailed with me to embrace that which I found was not fallacious, but certain; and yet out of Respect to the Honour of our Predecessors, I have thus long in a Manner kept silent, and should never have publickly exposed their Follies and Falshoods, if such a Necessity as preserving both the Rights and Privileges and Prosperity of the COLLEGE, had not obliged me to endeavour to preserve it from entire Ruin and Destruction. But tho' I have said thus much against a Person I have an honour for, it was not designed to lessen his Reputation in the World, but to defend the Truth I maintain, and refute all contrary Forgeries; for otherwise I believe him to be in the Main a very honest and conscientious Person, where Mistake and Error had not biaised him to promote a fallacious Cause, tho' he did not suspect it to be such, 'till he was too far gone in it, to retire (with any Safety to his own Fame and Reputation) from a Cause he had so warmly espoused.

HAVING answered all the Arguments
drawn

drawn from our History, I must now proceed to those which they pretend are founded upon Matters of Fact, which Facts I shall shew either to be falsely pretended, or the Consequences drawn from them to be illogical, and against the Rules of sound reasoning.

AND because I was never yet favoured with the Sight of the Briefs of either Side, I cannot pretend to answer all that has been alledged, either *pro* or *con*, in the order they have been offered to their Council, or at the King's Bench; but shall, as far as I can, reduce them to the Order of Time they relate to.

1st. AND the first Notice I can find, either of the COLLEGE pretending to be founded by King *Alfred*, or of *Richard* the 2^d's, claiming any Right of Succession from his Ancestors, is a Writ dated in *March*, or *May* 4th, *Rich.* 2^d, A^o. 1381, where he styles the COLLEGE *Mikel University-Hall*, the first Time I believe it was ever called so; and says it was of the Foundation of his Progenitors, and of his Patronage: The Purport of the Writ is, to require and desire the Mayor, Bailiffs, Coroner, and Burgeses of *Oxon*, to take care to order Things regularly and circumspectly, that neither the King nor the COLLEGE be disinherited by the Plaintiffs *Edmund Fraunceys*, and *Idonia* his Wife.

I take it for granted, that this being a Writ

differing from the usual Forms of Writs, was made or procured at the Suit of the COLLEGE. I have shewn already how little Benefit came to the COLLEGE by the extraordinary Methods used by, or in the Name of *Richard* the 2d, for their Assistance. I am now only to consider what efficacy such Words may amount to in Law, to confer a Right to the Crown, which had no other Right, than what might arise from the King's claiming, or the Subjects giving or owning such a Right, where there was none before; especially in the Reign of that King, when many Rights were claimed by him, and by his Judges owned as due to him; which at last brought both the one and the other to the greatest Dangers and Miseries they were capable of, and which might otherwise have been avoided by them, and was by one of the Judges certainly expected, as we may learn from his own Words: For *Belknap*, Lord Chief Justice of the Common Pleas, when at *Nottingham* he signed the Decrees, said, *There wanted but a Hurdle, a Horse, and a Halter, to carry him where he might suffer the Death he deserved; but if I had not done this, I should have dyed for it, and because I have done it, I deserve Death for betraying the Lords.* And what he said of himself, (tho' he escaped it) happened to the Lord Chief Justice *Sir Robert Tresilian*, and several other Promoters of the same.

And

And this of ours concerning the King's being Founder, and having the Patronage of the COLLEGE, is not a bare single Case; but I shall shew that it was often practised, whether out of Love or Fear I know not, to ascribe the Foundation of several Places to the King's Ancestors, who never had a direct Hand in founding them, save only giving leave to make them, or Charters to confirm them. Such Things might often happen, and no Notice be took of them; however, I shall give a large Instance of this Practise under the King last mentioned. I find it in Mr. Twine's Vol. whose Note is (8) an (o) with two Horns downward, p. 718. it is in an Inquisition before John Salvern, the King's Escheator, and the Mayor and Bailiffs of Oxon; wherein they find that the ABBY of Osene is, *Ex fundatione progenitorum D'ni Regis quondam regum Angliæ & patronatu D'ni Regis existit.* The like Words are also said of Godstow-Abby; the like they say of St. John's Hospital; which is true, because at least it was new founded by King Henry the 3d, tho' it is evidently discoverable by some old Deeds, that it had a being long before: And the same, by way of Recital, is repeated afterwards, and they say the same of Queen's-College, that it was founded by Queen Philippa avia D'ni regis & ex patronatu ipsius similiter.

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WHEREAS Osney-Abbey was founded by

Robert the Son of Nigel Doyley, 30 H. 1. A^o. 1129.

AND *Godstow*, by *Ido*, a rich Widow; repaired by King *John*.

AND *Queen's College* is said to be founded by *Robert Eglefield*, on his own Ground, commending it to the Patronage of *Queen Philippa*, whose Chaplain he was, but he or she made the Archbishop of *York* their Visitor, A^o. 1340.

BESIDES this Claim of the King, the COLLEGE's consent to the same, is implied in their *French* Petition; but then there arises another Question, whether any Person's Gift can be Good? when they give what they have no Right to dispose of: For it is plain, that *William of Durham* made the UNIVERSITY Founders of UNIVERSITY COLLEGE, and they being once Founders, and also a Body Politick, it could never fall to the Crown by Lapse, as long as the same UNIVERSITY continued to possess the Rights it then had, and ever after enjoyed.

NOW if King *Richard* had no right, neither could *Henry* the 4th, as his Successor, have any, other than what the Crown may claim as the Fountain of all Privileges and Charters whatsoever; For that the Crown had no such Claim formerly, appears by one Charter of *Edward* the 2d, and four others of *Edward* the 3d's; And by a sixth Charter of *Pardon* to the Master and Fellows of the Great

HALL

HALL of the UNIVERSITY, intimating nothing of his Patronage, 4th H. 5 ; And a 7th Charter of Pardon, 1 H. 8. where, tho' he repeats other Names of the COLLEGE, yet begins with this, *Magistro & Scolaribus Magistri Willielmi de Dunelmia* ; without the least Shew or Claim to the Patronage thereof : Queen Elizabeth mentions what Rich. 2. Hen. 4. and Hen. 6. had made Use of ; but neither King James nor King Charles in their Letters Patents, mention any Thing of a former Foundation, or of present Patronage.

AND this, I think, may be sufficient to bar any claim of Patronage, or visitatorial Power, founded upon Letters Patents claiming the same.

BUT 2^{dly}, we have not yet sufficiently devested our selves of the honourable Title of a Royal Foundation, 'till another Argument used by the other Side be answered ; which is this, that if not the whole COLLEGE, yet three Fellowships thereof are maintained by a Donation made to the COLLEGE by a Charter of King Henry the 4th ; but however this should be, that Henry the 4th, and not Bishop Skirlaw, was the Founder of those three Fellowships usually styled *Skirlaw's* Fellowships ; yet if Dr. Ayliffe, or Judge Cook be in the Right, such a Donation does not entitle the King to be Founder of a COLLEGE, that had a legal Being long before such Donation.

Vol. 2d, Page 7th. But however this has been pleaded or discourf'd of, I fhall give a true Account of this Matter of Fact, as it appears out of the Charters relating to this Donation, beginning in the fame Order as the Dates of the feveral Charters fhall lead me.

THE 1st Deed is the Statutes made by *Walter Skirlaw*, Bishop of *Durham*, dated 27 Dec. A^o. Dni^o 1403. and is as follows.

WHEREAS our serene Prince and Lord (*King Hen. 4th*) intends to give the Manor of Marks-Hall, in *Essex*, to the COLLEGE of the Great-Hall of the UNIVERSITY in *Oxon*, to the Fellows, and their Successors for ever, to undergo fuch Burthens as we fhall order and appoint. We thus difpofe and order, that there fhall be always three Fellows in the COLLEGE, who fhall celebrate (*Mass*) for the happy Estate of our Lord the King, and ours, and for our Souls when we are departed out of this Life; who, befides Commons, Chambers, Servants, and other Neceffaries, which other Fellows receive, fhall have 40 s. yearly paid them in Money for their own Neceffaries and fhall receive no Stipend from their Friends or Strangers, to celebrate for a fhorter or longer Time; But in their *Masses* and Prayers fhall principally pray for the fofaid Lord the King, and for us, and for the Founders and Benefactors of the
said

said COLLEGE. And if any Fellow chosen to this Office refuse to perform it, or receive any Ecclesiastical Benefit, or Chapellany, or sacerdotal Stipend, to pray for any others, his Place shall be void, and another, without any long Delay shall be chosen by the COLLEGE into his Room. And the Bishop does not restrain them to chuse only Graduates; but other honest Persons fit to Profit in Theology, except they meet with fit Graduates, whom he would have preferred.

AND all the Fellows of the said COLLEGE shall every Year, for ever, celebrate solemn Obsequies in their Chapel upon the Day of the Bishop's Death, with a Placebo and Dirige, and a Mass for the dead the Day after. And every Fellow of the said COLLEGE every Year, on the Day of my Obit, shall have 6 s. 8 d. which Sum during our Life they shall receive on All-Saints Day, and other 6 s. 8 d. on St. Cuthbert's Day in Lent, which is their principal Festival; And furthermore, all and every Fellow of the said COLLEGE, tho' not especially assigned to pray for us, shall be bound in their Masses to remember our Souls, and pray for us as a special Benefactor and Helper of the said COLLEGE. And we order, that the three chosen to pray for us, shall rather be chosen out of Students at Oxford or Cambridge, born in the Diocesses of York and Durham, than born in any other Place whatever.

HE likewise obliges those three Fellows to observe all the Statutes of the COLLEGE, not repugnant to his Orders, and also Wills and ordains, that those that shall be otherwise deputed to visit the COLLEGE, shall cause these Statutes to be read before them, and see that all the Premises be fully observed in the Form here prescribed. And all the Fellows existing in the COLLEGE, shall swear to observe these my Orders, as far as relates to them, and cause them inviolably to be observed by others; saving always to our selves a Power, whilst we live, to change, modifie, correct, and add, as far as shall seem fitting for the Divine Worship, and Profit and Quiet of the said COLLEGE and Fellows thereof. Dated at our Manor of Auckland, 27th of Dec. A^o. Dni' MCCCC^o tertio & nostræ translationis sexto-decimo.

THEN follows the COLLEGES Acceptation of these Orders, which being Shorter, and not in their Statute-Books, I shall repeat in Latin; the COLLEGE, or Master and Fellows speaking as Fellows.

NOS ad observationem ordinationis & limitationis hujusmodi nos & successores nostros obligare, piæq; intentioni præfati Dni' Episcopi humiliter obedire volentes, de communi & unanimi consensu nostro & auctoritate honorabilis viri Magistri Roberti Hallum Cancellarii & Cæ-
tus

tus Magistrorum Universitatis prædictæ hanc declarationem ordinationem & limitationem, & omnia & singula in dictis literis contenta pro nobis & successoribus nostris promittimus perpetuis temporibus inviolabiliter observare & ad eorum impletionem & observantiam tenore præsentium nos fideliter obligamus. In quorum Testimonium sigillum commune dicti Collegii est appensum.

Et nos Robertus Hallum Cancellarius, & Cæterus Magistrorum prædictæ ordinationi & limitationi Reverendi patris Dni' Episcopi prædicti promissionibus, obligationibus & singulis supra dictis auctoritatem præbentes & consensum ea pro nobis & successoribus nostris in quantum ad nos pertinet approbamus & ratificamus per præsentis sigilloque Universitatis prædictæ fecimus communi-ri, Jure Cancellarii dictæ Universitatis in omnibus semper salvo.

Manet Sigillum Universitatis, Sigillo Collegii jam avulso.

NONE I believe that read these three Charters, can doubt who was the true Donor and Benefactor of this Manor of *Margaret Rothyng*, or *Marks-Hall*, in the County of *Essex*.

HOWEVER, having to deal with scrupulous Persons, that have entertained, or defended the contrary Opinion, I will give an Account who passed this Manor from one to another, 'till it came into the Hands of King
Henry

Henry the 4th, who passed it to the COLLEGE.

FIRST we have in the Treasury the Court Rolls of this Manor, from the 22d of *April*, 24 *Ed. 1.* A^o. 1296.

BUT the first Deed that now remains sets forth that *Humphry de Bobun*, Earl of *Hereford*, *Essex* and *Northampton*, passed this Manor in the 45th of *Edward* the 3d, A^o. 1371, to *Simon* Bishop of *London*, and *Richard* (*Fitz Allan*) Earl of *Arundel* and *Surry*, *Guy Brian*, &c.

THEN *Guy Brian*, after the Death of several mentioned in the foregoing Deed, on the 15th of *May*, 10th *Richard* the 2d, A^o. 1387, passes the same to *Thomas* (*Arundel*) Bishop of *Ely*, and to *Richard Walgrave*, and others.

AND on the 22d of *Novem.* 5 *Henry* the 4th, *Thomas*, Archbishop of *Canterbury*, and *Richard Walgrave*, the Survivors of the other Trustees, pass it to their excellent Lord *Henry*, King of *England*, &c. which have both their Seals remaining.

THESE Deeds are more at length, or with Reference to them recited in the following Deed of *Henry* the 4th, with this of *Joan Bobun* also.

JANUARY the 20th, 5 *Henry* the 4th, A^o. 1403, *Joan de Bobun*, Countess of *Hereford*, *Essex*, and *Northampton*, and *Rich. Walgrave*,

degrave, Knt. &c. quit claim the said Manor to *Henry King of England, &c.* the 4th.

FEBRUARY the 14th, the same Year the foresaid King passes the same Manor to the COLLEGE.

AND because I am informed, that one Part of the COLLEGE has been denyed Entrance into the Treasury, by the adverse Party, who had got Possession, both of the late Master's Key, and the *Bursar's* also; and therefore, it is not easily to be come at, I will here transcribe a Copy of it, only omitting the Recitals how the former Deeds passed from one to another.

HENRICUS *Dei gratia Rex Angliæ & Franciæ & Dominus Hiberniæ omnibus ad quos presentes literæ pervenirint Salutem. Sciatis quod cum Humphridus de Bohun, &c. —usque ad—continuarunt pacifice & quiete subsequenterque præfati Archiepiscopus & Rich. Waldgrave, 22^o. Novemb. ultimo preterito per quandam Chartam suam manerium prædictum cum pertinent' nobis dimisserint tradiderint & confirmaverint & sursum reddiderint Habend' & Tenend' idem manerium cum pertin' nobis hæredibus & Assignatis nostris in perpetuum Nos jam desiderantes intime Universitatem nostram Oxon ob maximam Zelum cleremoniæ quam in ea vigere specialiter affectamus & presertim ut Joh'es de Apulton Magr. ac socii Collegii magnæ Aulæ Uni.*

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Uni-

Universitatis de fundatione progenitorum nostrorum quondam Regum Angliæ & nostro patronatu existentis, Qui pro oneribus sibi incumbentibus valde exiliter sunt dotati pro salubri statu nostro & venerabilis patris Walteri Episcopi Dunelm' dum vixerimus & animabus nostris cum ab hac luce migraverimus specialiter exorare teneantur. De gratia nostra speciali, pro salute animæ nostræ, Dedimus & concessimus præfatis Magistro & sociis dicti Collegii dictum manerium de Rothyng Margaretæ cum suis pertin' una cum wardis maritagiis Releviis Escaetis & omnibus aliis ad idem manerium pertinentibus Habend' & Tenend' eisdem Magistro & sociis dicti Collegii & successoribus suis in auxilium sustentationis suæ ad subeund' supportand' & perficiend' certa onera juxta ordinationem & dispositionem ipsius Episcopi in hac parte pie & laudabiliter factas imperpetuum Statuto de terris & tenementis ad manum mortuam non ponendis edito non obstante, quarum quidem ordinationis & dispositionis tenor sequitur in hac verba. —

Universis matris Ecclesiæ filiis ad quos præsentēs literæ pervenerint Walterus permissione divina Dunelmensis Episcopus salutem in Domino sempiternam. Cum in Christo Princeps, &c. — usq; ad — & nostræ translationis sexto decimo. Nos insuper pro majore securitate & quiete ipsorum Magistri & sociorum dicti Collegii providere volentes ordinationem & dispositionem prædictas ac omnia & singula in eisdem contenta rata habentes.

tes & grata, ea pro nobis & hæredibus nostris quantum in nobis est acceptamus approbamus & præfatis Magistro & Sociis dicti Collegii & successoribus suis de gratia nostra speciali concedimus & confirmamus prout ordinatio & dispositio prædictæ rationabiliter testantur. In cujus rei Testimonium has literas nostras fieri fecimus patentes Teste meipso apud Westm' quarto decimo die Febr. A^o Regni nostri quinto.

per ipsum Regem

Hartilpole.

AFTER the Reading these Letters Patents, and the Bishop of *Durham's* Statutes contained in them, where there is so much concerning himself, and so little concerning the King, whose *Obit* is not mentioned, and which requires that the Bishop should be prayed for, and owned as the COLLEGE's *special Benefactor and Helper*, none can question who was the Purchaser of this Manor of *Margaret Rothyng*, or *Marks-Hall*. And if it be enquired why the Bishop procured these Lands to be passed to the King, and the King to pass them to the COLLEGE: I think this will be a sufficient Answer, that it was done for two Reasons; first to avoid the Charge and trouble of an *Inquisition* that usually goes before all *Mortmains*; but 2dly, and more especially,

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because the Manor might be held of the King, and therefore could not otherwise be passed by his own Licence, without a particular Deed of Gift, to make the whole Donation more valid secure and unquestionable, which was easy to be obtained by the Bishop; he being one of the King's great Favourites, and sometime sent Ambassador by him upon the most difficult Affairs then under Agitation with the King of *France*.

BUT I suppose the Civilians, who in Matters that fall within their Cognizance, would not, I know, stand upon a weak Foundation, did not insist on this, tho' they might mention it, and therefore shall not further labour to confute this Opinion; tho' I can hardly proceed to another Argument, without taking Notice of another Fault I meet with in the Catalogue of Benefactors, which has given such an Handle to our Adversaries, to quote Dr. *Charlet's Albums*, wholly or mostly taken out of that unfortunate Catalogue; where Bishop *Skirlaw* is not only made the sole Donor, as I am pleading for; But he says King *Henry* the 4th only gave to the COLLEGE a Quit Claim to it, and joins *Thomas* Archbishop, and *Humphry de Bobun*, Earl of *Hereford*, and *Joan* Countess of *Hereford*, and others with them; whereas there is no Quit-Claim that ever I could find, but the Countess's only, with some other unknown Persons that joyn'd with her, as is above
reci-

recited ; and is not made to the COLLEGE, but the King himself ; so careless has this Person shewn himself in framing this Catalogue.

AND it seems, both the COLLEGE, and the UNIVERSITY were so ignorant of any visitatorial Power, lodged in the Crown over this COLLEGE, more than any other ; that the COLLEGE could not accept this Donation, nor the Statutes that were to go along with it, without procuring the UNIVERSITY's Licence so to do, and having a further Confirmation of the *Convocation* after it was done. I must also further observe, that both the Persons now contending for this Headship, either did not know this at all, or were so averse from owning it, that the *Convocation* was never on either Side applied to in this Controversy, as I shall have Occasion shortly to take Notice of.

3dly, This leads me to answer a 3d Argument from Matter of Fact, which some have of late thought an *Herculean*, or invincible one, which is, that both the UNIVERSITY, and also the COLLEGE, have acknowledged K. *Alfred* their Founder, by their continual praying for his Soul, as such.

IN answer to this I must first recite and then answer a Quotation above-mentioned, but referred to this Place, and which is to be found in the *Apologia* §. 147. It does not directly relate to King *Alfred* himself alone, but to St.

John of *Beverley*, yet is a notorious Lie, and leads the Way to those that next follow.

FOR that Author having wonder'd, why some of our Saints are own'd and some omitted, whom he there names on both Sides, he adds, that St. *John* of *Beverley*, tho' his Day was but lately consecrated in *Hen.* the 5th's Time, when *Henry Chickly*, was Archbishop, yet was always admired, and his Day observed in the UNIVERSITY'S *Rationali*, and amongst the *Aluredians* (as he styles them). If therefore Mr. *Twine* means that these two Persons, King *Alfred*, and St. *John* of *Beverley* were included under the general Names of *all the Faithful*, as all such Prayers for the Dead are concluded with, Prayers for them cannot be denyed, when the UNIVERSITY and COLLEGE were all professed Papists; but that they were solemnly mentioned by Name, I think will hardly be proved from any good Authority: For I have examined all the UNIVERSITY'S Kalendars, wherein their Benefactors Names and *Obits* are mentioned, and neither, (as I take it,) is St. *John* of *Beverley*'s, nor that of King *Alfred* I am sure so much as once mentioned; nor yet in the antientest *Rationale*, or Kalendar of the COLLEGE, writ sometime after the Gift that *George Staveley* made, in the Year 1524, but how long after I know not; for when this Kalendar was made, both he and his Wife were

were dead, and there is no Mention in it of either of the two Persons before mentioned. Those that are named, are, 1st *William* of *Durham*; 2d, *Walter Skirlaw*; 3d, For all the Benefactors to the COLLEGE; 4th, Cardinal *Beaufort*; 5th, *Hen. Percy*; 6th, *Ralph Hamsterly*; 7th, *Adam* (falsely for *Laur.*) *Rudford*, and *John Calderwell*; 8th *Alice Bellasis*; 9th, *Anne*, Countess of *Warwick*; 10th, *George Stavely*; 11th, *William* of *Durham*, again; 12th, *Robert Roke*, and *Lady Jane Danvers*, 13th *Philip Tngleberd*, or *Beverley*. These are all whose *Obits* are mentioned. After having given you the earliest Date of this Kalendar; when I suppose all others were destroyed in or before Queen *Elizabeth's* Reign, I will inform you how, in process of Time it returned back into the COLLEGE Possession; but is since lost and perished; for this I conform my self to, is only a Copy I found amongst Mr. *Twine's* M. S. S. in *Turre Scholarum*, with an Addition to the End of it in *Latin*, thus englished;

TO this Kalendar, on the 4th of the Ides of November, to wit on the Eve of St. Martin, the Bishop and Confessor; I, Brian Twine inserted a Note concerning the Commemoration for the Soul of King Alfred, first Founder of the UNIVERSITY, and this COLLEGE, taken from a certain Kalendar, which I saw in the Library

Q3

brary of Mr. Thomas Allen; and on the same Day, 25th of October, 1624, on which the same Mr. Thomas Allen gave the said Kalendar of UNIVERSITY COLLEGE in Oxford, for it was his own, to Dr. John Bancroft, Master of that COLLEGE, I at the same Time writ out the said Kalendar.

BUT this that I have already quoted, is not all that Mr. Twine has publish'd in Reference to the COLLEGES owning K. Alfred for their Founder, or making Mention of him in their Prayers: For what he writes in his *Apologia*, B. 2. § 213. would Pin the Basket, were it but as true as it is home to the Purpose, and is in these Words following.

Collegii quoq; Universitatis Alumni Aluredum, uti in superioribus ex Collegii ipsius munimentis diximus, fundatorem agnoscunt, pro quo etiam Anniversaria celebrare antiquis statutis suis tenentur, quemadmodum ex Rationalibus suis & Benefactorum Catalogo sane magno, & antiquo instar tabulæ pensilis cornua superficiei (ut antiquitus) munitæ, quem Mr. Tho. Alanus sæpe olim se vidisse meminit, luculenter constat.

WHICH I think may be thus translated:
 “ (THE Fellows, or) those that are maintain-
 “ ed in UNIVERSITY COLLEGE, acknow-
 “ ledge Alfred for their Founder, as we have
 “ told you before out of the Muniments of the
 “ same COLLEGE, whose Anniversary they
 “ are

“ *are obliged to celebrate by their ancient Sta-*
 “ *tutes, as evidently appears from their ancient*
 “ *Kalendar, and a very large Catalogue of their*
 “ *Benefactors, like a hanging Table, guarded,*
 “ *or covered with a Surface of Horn, (as was*
 “ *anciently used) which Mr. Tho. Allan had*
 “ *very often seen, as he relates.*”

WHO that reads this would not upon the first Perusal give entire Credit to it, being, as it is here said, related by an eminent Scholar then Living, from whose Mouth Mr. Twine seems to repeat it: But I have so often found fair Pretences, upon Examination, to vanish into mere Shadows, that I scarce can believe any Thing of Truth in it; for tho' at first it seems to be well founded, and refers us to ancient Statutes, and a large Catalogue of Benefactors; yet where are these Statutes to be found? who made them? or where may we enquire after them? For as for King *Alfred's* Statutes, I deny there were ever any made by him; and could any such be shewn, it would put an end to the Controversy, who first built HALLS or COLLEGES in Oxford: But still this would fall much short of proving that *William of Durham*, or the UNIVERSITY had any design to renew them: And then as to the COLLEGE Statutes, there is not so much as the Name of King *Alfred* to be found in them, nor one Syllable relating to him, any more than to the Man in the Moon. As

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to the great *Inventory* of Benefactors, I shall speak to that by and by ; and only here take Notice, that I am almost fully persuaded in my Mind, that both Mr. *Cambden* and Mr. *Allen*, who, as I said before, was the Foster-Father at least of Mr. *Twine's Apologia*, invented several Things, not as real Truths, which they would stand by ; but to answer *Jo. Kay's* rapsody of Lies, and shew him how easy it was to invent plausible Stories, if they could meet with any, that would be so silly as believe them : For would Mr *Cambden* else have ever inserted the long Clause in *Affer Manevensis*, without acquainting the World where he found it, or how it happened to be omitted, if ever he intended to be called to an Account for it, or so much as be asked whence he had it ; or put so great a Slight upon it, as to tell Mr. *Twine* that little depended upon it, and that his *Apology* was sufficient to support the Antiquity of *Oxford*, without it ; and I suppose, the Censures he complains of were, that he should be so much exclaimed against for one Fiction by the *Cantabrigians*, when they could overlook so many more monstrous ones in their own *Historian* ; And tho' Mr. *Wise* has said as much as possible, and far more in one Particular, than any one before him ; yet I suppose he can scarce think he has done so to the full, but that in the main, the Passage remains just as it was before ; save, that the more it is debated

debated, the more it is shaken, and the less firmness of Belief will be given to it : And I fancy no man believes it less than Mr. *Wise* himself, who seems to have been put upon this Task by Dr. *Charlet*, to strengthen, as much as he could, his vain and fictitious *Albums* : But enough, and it may be too much, of this already.

YET before I quite pass from this Quotation, I must take notice of another, § 321, where Mr. *Twine* first quotes the Statutes of the Year 1292; where, as you will find before in these Annals, p. 36, besides Commons, Lodgings, Servants, &c. The Senior was to have half a Mark above any other Fellow, and both he and other Fellows another half Mark, if they keep the Statutes; and then adds, that a Mark then, was of greater Value than in these Days, but says nothing of the Difference betwixt that Time and this : The Knowledge of it, I believe, was beyond his Cognizance; but I have already shewn that a Mark then, was at the least ten Times as much as it is now, and may well be reckoned at 6 l. 13 s. 4 d.

BUT some Objectors may say, that though whatsoever has been related out of Mr. *Twine*, should be owned to be false and fictitious every Word of it; yet this at least cannot be denied, but that for many Years, as long as can well be remembered, King *Alfred* has been by
most

most of the COLLEGE acknowledged their Founder in their publick Prayers, before their Sermons in the UNIVERSITY, and its likely has been so done to this Day. This is the most pressing Argument, and several Things must be said, before it can be either excused or defended: But before I can enter upon this Undertaking, I must go back as far as the Reign of Q. Mary, where possibly I may meet with what Mr. Twine styles *Catalogo sane magno & antiquo*, tho' he gives us not the Particulars of it, nor possibly ever met with it, either before he writ his *Apology*, or afterwards.

BUT it is, or was extant when I made my Collections out of the COLLEGE Treasury, and follows, as I take it, placed after the Composition with Cardinal *Beauford's* Executors, and is marked N. 7. in a Membrane or Writing which was 17 Inches long, and six Inches broad: It begins somewhat abruptly, with these Words, (tho' for haste I have not observed or kept to the old Spelling) and I suppose was repeated in some other Place than only here where I find it.

I commend also unto your devout Prayers, the Souls departed out of this World, especially,

THE Soul of William of Durham, our Chief Founder. The Soul of Mr. Walter Skirlaw, especial Benefactor. The Soul of King Alfred, Founder of the UNIVERSITY. The Soul of K. Henry the 5th. The Souls of Henry Percy,
first

first Earl of Northumberland. Henry the 2d Earl, and my Ladies their Wives, with all their Issue out of the World departed. The Souls of Mr. George Staveley, and Mr. John Barnaby. The Soul of Mr. Adam Radeford. (for Laurence Radford) The Soul of Mr. John Caldwell. (for Robert Caldwell) The Souls of Mr. John Tyrell and his Wife. The Soul of Sir John Hudyfson. The Soul of Agnes Somerset. The Soul of John Wood. The Soul of Mr. William Kyrkby. The Soul of Mr. Wm. Sharpe. The Soul of Anne Countess of Warwick. The Soul of Robert Roke. The Soul of Alice Balafis. The Soul of Mr. Jo. Rokysborow, sometime Master of this COLLEGE. The Soul of my Lady Hodifson, and Mrs. Parker. The Souls of all them that have been Fellows, and all good Doers.——And for the Souls of all them that God would have be prayed for.

Then follow severall Latin Collects. *De profundis clamavi ad te Dne', Dne' exaudi vocem meam, &c. Oremus. Deus cujus misericordiae, &c. Deus qui inter Apostolicos, &c. Fidelium Deus omnium Conditor & redemptor, animabus omnium fidelium Defunctorum remissionem cunctorum tribue peccatorum & indulgentiam quam semper optaverant piis supplicationibus consequantur, propter Christum dominum nostrum, Amen.*

A N I M Æ fundatoris, parentum nostrorum, & Benefactorum per misericordiam Dei in pace requiescant.

I shall desire you of your Charity to pray for the whole State of the universal Church of Christ, with the Head thereof the Popes Holiness N. for the COLLEGE of Cardinals; namely, For my Lord Cardinal Pool, Archbishop of Canterbury and Metropolitan of England; for the whole Clergy, Parsons, Vicars, Curates, and all that have any Charge of Souls.

FURTHER MORE I shall desire you to pray for the Laity, and especially for Philip and Mary, our King and Queen of England, France, Naples, Jerufalem, and Ireland, &c. (as followeth in their most usual Stiles) Princes of Spain and Sicily, Arch Dukes of Austria Dukes of Milan, Burgundy and Brabant: Counts of Halburge, Flanders, and Tyroll. And for the King and Queen's most honourable Council, and for the Commons of this Realm, with the Master and Fellows, and all Benefactors of this COLLEGE.

WITH several other Latin Collects, as, Deus misereatur nostrum, &c. Confiteantur tibi, &c. Latentur & exultent Gentes, &c. Benedicat nos Deus Deus noster, &c. Ostende nobis D'ne, &c. Domine salvos fac Regem & Reginam, &c. Deus qui charitatis Dona, &c. Finis.

THERE are several Lines cancelled to accommodate these Prayers to the Reign of Queen Elizabeth, sometime after the Death of Queen Mary, and Cardinal Pool.

I have here produced the first Mention that
I

I ever found of any Prayers or Thanksgivings for K. *Alfred*, that seemed neither to be strained nor counterfeit, and seems to agree with another like Proof of Mr. *Twine's*, § 219. in these Words, 3^o. *in antiquis Bedellorum libris, ubi dicitur quod antiqua consuetudine Almæ Universitatis in vigilia sancti Martini crandum est in Scholis pro Benefactoribus tam vivis quam defunctis, & pro animabus omnium Benefactorum, præsertim pro anima Alfredi Regis hujus almæ Universitatis primi fundatoris.*

IT will not be expected I should make any great reply to these two Quotations, both of them very Novel, and in the Time of *Popery*, and that not of ancient *Popery* neither, but after the Time of the Reformation, under *Edward* the 6th: And therefore it is no Wonder, when those suspended Bishops returned to their Places, if *Popery* were again rampant, and new *Obits*, and new Festivals invented or introduced, which had scarce ever before been heard of in this *English* World. Tho' I very much doubt this Quotation, and especially that at the End of it, of King *Alfred* as Founder of the UNIVERSITY, finding nothing like it in the Three old Statute Books of the UNIVERSITY; so that it lived not so long as to get into any of the Kalendars of those ancient Books, which were all in Force, 'till they were renewed and altered when Archbishop *Laud* was Chancellor of that UNIVERSITY.

How-

HOWEVER I think it will be needless to shew, that these Prayers have no Influence to prove, that King *Alfred* was founder of UNIVERSITY COLLEGE, but Founder or Restorer of the UNIVERSITY it self only; against which I have nothing at present to object, which Way soever that Question shall be decided.

HAVING just above mentioned the Statutes of the UNIVERSITY, I thought it might be acceptable to acquaint the Reader of what Age and Duration they were; being not to be look'd upon in many Things, as Originals, but Copies of them only: And yet two of them are older than any other Registers at this Time belonging to the UNIVERSITY. The oldest of the three is a Transcript, amongst other Things, of all the Pope's, or Nuncio's Bulls or Diploma's, and likewise of the Kings of *England's* Charters, as low as the 49th of *Edward* the 3d, A^o. 1375. as is written in the Beginning of it, when *William* of *Winton* was Chancellor. The 2d in Age, is the Junior Proctor's Statute-Book, called so, because it belongs to the Northern Proctor, and was caused to be written by *Rich. Fleming*, in his Proctorship at his own Expence, which, when he went out of his Office, he gave to the UNIVERSITY, for the Use of his Successors. Both these two Persons last mentioned were of UNIVERSITY COLLEGE, but *Winton* first
of

of *Balliol*, afterwards of our COLLEGE, and at last Fellow of *Queen's*; *Fleming* being Prebendary of *York*, could not long keep his Fellowship, but was a Sojourner there several Years after his Proctorship, and at last Bishop of *Lincoln*.

Now it was many Years before any Southern Man was found willing to be at the like Charge, as *Fleming* had been; but at last the UNIVERSITY was forced to be at the Expence of renewing the Senior Proctor's Statute-Book, as I find in *Pix. p. fasc. 1. A^o. 1477.* and cost the UNIVERSITY these Prices following.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Item pro Scriptura & materia libri procuratoris, —————	03	17	04
Item pro Luminatione ejusdem libri. —————	01	05	08
Item pro Ligatura ejusdem libri. —	00	07	02
Item pro pare plusculorum ejusdem libri. —————	00	12	00
Item procuratori & aliis magistris pro Copia super videnda ejusdem libri, ut placet auditoribus.	01	03	04
Item pro laboribus scriptoris pro perquisitione Copiæ ejusdem libri ut placet Judicibus.	00	03	04

07 08 10

THIS

THIS was the Price of the first Binding and Clasps, but it was afterwards plain Bound, and without any Clasps at all.

BEFORE I leave this Point of praying for Kings, I will give you the Names of all I meet with in the UNIVERSITY Kalendars, which I place, not according to the Months their *Obits* are kept in, but according to the Antiquity of their Reigns.

HENRY the 3d. Edward 3d. Hen. 4th. H. 5th. H. 6th. H. 7th. H. 8th. Queen *Elia*nor, Wife, as is supposed, to Edward 1st. Queen *Elizabeth*, Wife of Edward 4th. Cardinal *Beauford*, and the Duke of *Glocester*.

I do not find that either Mr. *Allen* or Mr. *Twine* have mentioned the Practice of the Master or Fellows praying for K. *Alfred* publickly in the UNIVERSITY, or at *Paul's* Cross: And if it be said that that Matter was so well known, that there was no need of repeating it to the UNIVERSITY; that would be a full Answer, if the same had been said in a Speech to those that knew it; but when the Book was to go over the World, it would have been a far more effectual Argument, as well Abroad as at Home, if this had been directly asserted, and the Truth or Falshood of it manifested to all that would inquire after it.

BUT as I do not love to insist upon dubious Arguments or Answers, I shall rather allow that this Novel Fashion of praying, or giving

Thanks for King *Alfred*, had for some Time prevailed, having been taken up upon this Popish Introduction, and supported, as at this Day, by the blind Zeal, and ignorant Credulity of some, and the private Intrigues, and self Interests of others; but at the best can amount to no more than a Mistake, and may as lawfully be now laid aside, as it was at first either by Papists or Protestants innocently used, since we see what fatal Consequences have attended the Carelessness of those, who took this groundless Tradition upon Trust, and thereby might lead many others of the COLLEGE, who were not better informed, to think that most of what the COLLEGE has, was the Effect of King *Alfred's* Bounty; whereas if any can shew me one House they have, or one Acre of Land they enjoy from King *Alfred*, (which I am sure they cannot) let them go on to thank God for him, as their Founder, and I shall never find Fault with them for it; But to throw off their true Founder, and to embrace a Fiction, has little, I think of Wisdom, or Honesty in it; and for any to give Thanks for that which he believes to be false, is a Piece of Profaneness towards God, and Hypocrisy towards Men; And so I shall leave this as I found it, and neither fix any further Censure on those that thinking him their Founder, brought in those Prayers, nor in the least endeavour to excuse those, that carried

it on out of Pride and Vanity, as I doubt Dr. *Charlet* did, to be thought a Master or Governor of a Royal Foundation; or Mr. *Walker* who would have it believed the COLLEGE was founded by a Prince, piously devoted to the Pope, who had so long before consecrated him to a Kingdom in Reversion, and constantly honoured that See, by great Presents ever after.

To what has been said already, I will only add, that tho' I cannot tell certainly when these Prayers came into the COLLEGE, yet I think Mr. *Allen* and Mr. *Twine* have had the greatest Hand either to bring them in, or to preserve them from being cast out; and shall relate one Thing which may give some light to it, and which I had from one of my Seniors, when I first came into the COLLEGE, which was in the Year 1668. Where shortly after my coming, probably the first Gaudy Day, so we call our greatest Festivals, I heard King *Alfred* mentioned in our Prayers, which causing some Discourse upon that Subject; I was told by one of the Seniors that heard it, that Dr. *Clayton*, after he was chosen Master, when he first heard King *Alfred* named in the Collect before *William* of *Durham*; openly and aloud cried out in the Chapel, *There is no King Alfred there.* This is what I heard of that Matter; and all that I have to add to it, is, to inform the Reader, that *Rich. Clayton*

Clayton, A. M. was chosen Fellow the 10th of *August*, 1629, and continued Fellow, 'till the 20th of *September*, 1639, and was chosen Master, (being then Prebend or Canon of *Sarum*) the 19th of *December*, 1665, from whence we may gather, if the Relation be true, which this Person then informed me, within three Years after it happened, that King *Alfred* was not mentioned in the Chapel Prayers, 'till between the Years 1639, and 1665, and in all Likelihood not 'till after King *Charles* the 2d's Restauration: And if it be so, that Dr. *Thomas Walker* brought in this Fashion, it's likely it was upon his much reading Mr. *Twine's* Apology, which might persuade him, that King *Alfred* was the first Founder, which is the chief Business of the Book; for Dr. *Thomas Walker* in his Exile from the COLLEGE very much perused it, as appears by a great deal he has written in the End of it, numbering up the HALLS, and putting them into an Alphabetical Order, and the like, as I find by my Collections out of the End of it.

5thly, I think the next Argument brought in Behalf of King *Alfred's* founding the COLLEGE, is, that it uses that King's Arms, which Mr. *Twine* has blazoned, B. 2. §. 215. and tells us, they are the Arms of the West-Saxon Kings: But in another of his M. S. S. I

find he says, that by the Arms the COLLEGE useth, it must be rather King *Egbert*, or *Edgar*, and not King *Alfred* that built the COLLEGE; But others more skilled in Heraldry, think there were no Arms used in the Saxon Times in *England*, nor 'till after the Holy Wars for recovering *Jerusalem* out of the Hands of the Pagans.

MR. *Twine* long after the Date of his Apology, upon a View taken by him in the Year 1624, in the Chapel, Hall, and Chambers, in one of his M. S. S. tells us, that *William* of *Durham's* Arms were, in a Field Or, three Azure Flower de Lucas, charged each with a Mullet, but does not give us the Colour of them, which it's supposed was Gules, because I have heard, that being Colour upon Colour, they were stiled false Heraldry.

WHEN the Parliament was kept at Oxford, in the War Time, April, 1644, Mr. *Dugdale*, afterwards Sir *William*, gathered the like Monuments in the Places aforesaid; where he speaks of the Arms of King *Alfred*, and terms them the Arms of *England*, and of *William* of *Durham's*, but does not describe them; and in another Place, 1st *Percy's*, 2dly *William* of *Durham's*, but does not describe them; and in the South Window of the Master's Lodgings, he a third Time mentions *William* of *Durham's*, being I suppose, the same Mr. *Twine* has blazoned above, and were the very Arms imprefed

fed upon the COLLEGE Pewter, when I came to the COLLEGE, and are engraven upon one or more of the Pedestals near the Hall-Door: But it having been long a very usual, but bad Fashion, for Persons to take what Arms they please, it is more than enough to mention this amongst Arguments that seem to need no Answer.

6thly. BUT as mean an Argument as it is, there follows another of a far worse Completion, and such as I never heard of before, and such as when I have done with it, I conceive no Man will ever hear of again: It is founded I suppose on the End of the Chronology of K. *Alfred's* Life, where Mr. *Obadiab Walker* tells us, that the Continuator of *Afferius Manewensis*, places his Death on the 7th of the Kalends of *November*, A^o. 900: And the *Saxon* Chronicon says, it was six Nights before *All-Saint's* Day, which two different Expressions concur both of them in the 26th of *October*. But Mr. *Walker* quotes some later Authors, who place his Death on the 5th of the Kalends of *November*, which falls in with the 28th of *October*, or *Simon and Jude's* Day. And Mr. *Twine* in his Addition to the *Latin* Kalendar, given us by him, places it on a different Day from both, as appears from what I have above quoted in *English*; and to shew that I am not Mistaken, I will give it you

out of his M. S. whose Character, is 8 p. 406.

HUIC etiam Kalendario ad 4^m Idus Novembris, scilt' in Vigilia Sancti Martini E'pi & Confessoris Ego Brianus Twinus, notam quandam de commemoratione pro anima Regis Alfredi istius almæ Universitatis Oxon & illius Collegii fundatoris primi, ex veteri quodam alio Universitatis Oxon Kalendario desumptam (quod quidem Kalendarium in Bibliotheca Magistri Tho. Allen vidi) inserui; eodem scilicet die (25^o Octobris A^o. Domini, 1624) quo idem Mr. Tho. Allen Kalendarium illud Collegii Universitatis in Oxonia, (quod suum erat) Domino Doctori Bancroft illius Collegii Magistro dono dedit, quo tempore etiam ista ex eodem Kalendario excerpti.

I have already transcribed this Kalendar above, and may observe, if I have not done it before, that it is not to be found in the COLLEGE Treasury (as far as I remember); another Thing I take Notice of is, that it does not agree with any of the Days above-mentioned, for falling in with the 25th of October, it falls one Day at least before it should, if K. Alfred died, as is before said, on the 26th of that Month; neither do I think this Error the Fault of any Book from whence Mr. Twine transcribed it, but from a greater Error of his own, looking for the 7th Kalends November, in the Month of November; whereas he should have

have fought them in the Month of *October*, and which concurs with the 26th of *October*, and not with the 25th. And I have met with the like Mistake of his in other Places.

BUT whether the old or the new Historians are to be preferred, yet this is no just Foundation for any Man to believe that King *Alfred's Obit* was ever kept in UNIVERSITY COLLEGE: That which might give Countenance to such a Notion, was, I suppose, a Sermon preached yearly before the UNIVERSITY in *St. Peter's Church*; which those that knew not the COLLEGE, might imagine to have some Relation to *K. Alfred*; but that Custom arose upon quite another Occasion, by a Benefaction, as I suppose *Mr. Simon Parrot* intended it, to the COLLEGE, but which at last turned rather to their Loss: For he gave out of an House at *Woodstock*, and an Acre of Meadow somewhere else, 20 s. to the Poor, and 6 d. a Piece to the Clark and two Churchwardens, and 32 s. to the Preacher, which he supposed would pay for a Sermon that Day, to be paid only Quarterly, if the Preacher tarried so long in the UNIVERSITY, as I think; for I have not a Copy of this Grant, it being in a Ledger-Book of Leases, and so not transcribed by me: If none of *University-College* will preach it, *Magdalene-College* is to find a Sermon for that Money: But the COLLEGE being unwilling to put such an Affront upon their

Benefactor, rather chose to lay a new Burthen on themselves, by adding as much Money to the former Sum, as makes it three Guineas or more, the usual Rate for any hired Sermon before the UNIVERSITY at *Oxford*.

NOW this Sermon was preached from the Time of its Donation, without any gaudy, or Festival-day for it, 'till sometime after the Restauration of King *Charles* the 2d. For the Festival that is now kept on that Day, took its rise neither from K. *Alfred's Obit*, nor Mr. *Simon Parrot's* Sermon; but from a far nobler Occasion, and a greater Benefaction than ever the Society receiv'd since it was a COLLEGE, and exceeding both Bishop *Skirlaw's* and Earl *Peircy's* Donations put together. This Benefaction was left to the COLLEGE by Sir *Simon Benet's* Will, who had been formerly educated therein, and dyed about the Year 1635. He gave the greatest Part of the Wood that grew in *Henly Park* (not far from *Tocester*) to rebuild the Front of the COLLEGE, and what remained, towards finishing the new Chapel and Hall.

BUT the Estate it self came not to the COLLEGE before the Death of his Lady, as I take it, and was settled in Chancery about the Beginning of the War, A^o. 1640, by a Certificate from Archbp. *Laud*, who advised, That it should be disposed of, for four Fellowships, four Scholarships, and several other Benefits to

to those of the old Foundation. But some of Sir *Simon's* Female Relations, by the Power of their Husbands, Mr. *Hambden* and others, in the *Long Parliament* 1649, got this Decree reversed, the Number increased, and half of the Places to be so reserved to the Founders Kindred, that no other could be chosen, 'till after three Months Notice to come in, and make their Claim: But before the Year 1660, all the Members of this new Foundation were dispersed or broken up, by the Failure of their Tenants, &c. so that both the Foundations, the New as well as the Old, petitioned in Chancery to have the 2d Settlement revoked, and the first ratified a fresh; in which last Decree there was a Provision made for a yearly Anniversary Festival, in Memory of their honourable Benefactor, as was usual, says the Decree in other COLLEGES, and eight Pounds a Year allotted for that Festival, and *Simon* and *Jude's* Day appointed for the Keeping of it: And this was partly done, because Sir *Simon* borrowed his Name from one of those Saints, but more especially because he himself, who annually cloathed 22 Persons, some in one Place, some in another, ordered that they should have their Cloaths given them upon *Simon* and *Jude's* Day yearly.

I think this a full Proof and Confutation, that the Festival upon Oct. 28th, was never instituted as an *Obit*, in Memory of K. *Alfred*; and

and if our Predecessors had thought fit to appoint any Festival for the Remembrance of that King, it had been far properer to have pretended that it was kept on *St. Cuthbert's Day*, which in *Bishop Skirlaw's Statutes* is stiled the principal Festival in that COLLEGE: Surely neither the Dissenters in the COLLEGE, nor their Counsellors were duly informed how late an Institution this *Simon and Jude's Festival* was, which was ordered by the Decree A^o. 1662; but the COLLEGE was so much in Debt with carrying on the Suit in that Court, and other Occasions, that I don't find that it was ever kept 'till the Year 1664; where the first Mention I find of it, is an *Item* of 1 *l.* 10 *s.* paid to the Musick on that Day; but the Charge of the Feast is put under some other Title, that I know not what it cost. I have not so perfectly transcribed the *Bursar's Books* of late Years, for it was upon my coming from the COLLEGE, and in so great a hurry, that I have transcribed little more than the Prices of Corn out of them; but in the Copies I have of one of the deceased Fellows, to whom I was Executor, I find in the Year 1693, it arose to 10 *l.* 16 *s.* 9 *d.* and in my own *Busarship* A^o. 1686, it arose to six Pounds, besides the Wine spent thereon, which I am uncertain what it might amount to. And thus I think I have answered this Argument, to the Shame and Discredit of those that had so little Wit as to invent it. As

As to K. *Alfred's* Picture, I think I have taken Notice of it before, that it was first bought in the Year 1662, and cost the Price of 3 *l.* There is, I think, an older Picture of him in the Lodgings, but of very small Dimensions. And having now mentioned King *Alfred's* Picture, it reminds me of his Statue also; concerning which I am told, that a Fellow of the COLLEGE had, since his Recess from it, made an Affidavit to this Purpose, *That King Alfred's Statue stood over the Chapel Door, where he thought that it had stood ever since the new Chapel was consecrated, which was in the Year 1665 or 1666.* But all this is Mistake, and not a Syllable of it true, as may be evidently seen by every one that can discern his Right Hand from his Left; for it was placed, not over the Chapel, but the Hall-Door, where I suppose it now stands: Thus much as to the Station of that Statue, but he is as far out, as to the Continuance in the Place it now stands; for the Hall and Chapel, as to the Outward-Parts of them, were finished about the Time afore-mentioned, when, for ought I know, the Statue might be in its Lay-bed, and not taken out of the Quarry; for it was caused to be made by Dr. *Robert Plot*, when sometime after his taking that Degree, he removed from *Magdalene-Hall*, and became a Fellow Commoner of our COLLEGE: He was at the whole Expence of both making
and

and setting up this Statue of *K. Alfred*, over the Gate towards the Street; I cannot fix what Year of our Lord this was done in, but I can give you the Year of its removal, and tell what it cost, because it was at the COLLEGE Charge, and was done A^o. 1686, and cost the COLLEGE in removing it 3*l.* 1*s.* 5*d.* For *Dr. Plot* being removed to his own Estate in *Kent*, and *Mr. Obad. Walker* having procured, at his own, or some other Roman Catholick's Expence, the Statue of *St. Cuthbert*, to whom the COLLEGE Chapel is dedicated, to be placed over the Chapel Door; he caused *King Alfred's* Statue to be removed from the Place it stood in, and to be set over the Hall-Door; from which Place, I suppose, it never removed itself to this Day, neither it may be would it have done so, if it could; for being placed on the Left Hand of that Saint, he would have been of *Mr. Walker's* Opinion, who set him there; to shew the World, how much Saints, by Men of his Religion, are even in this World, to be preferred and revered above their Sovereigns.

Now if a Man that had been long removed from the UNIVERSITY, and in common Discourse, had made such a Mistake, the Matter had been excusable, and might have passed for a *Lapsus Linguae*, or Forgetfulness only; but for a Person that still lived in the UNIVERSITY, and might have refreshed his Memory

mory every Hour; what can be said of it, but that he had a great Carelessness of what he Swore, and equal Zealousness to serve a bad Cause, of which he had no true or full Information then, nor it may be to this Day.

AND if such a Person as this, tho' only thro' Oversight (as I take the Case wholly to be) fell into this Error, yet what shall we think of some others, employed in the like Nature; who had no Concern for an Oath, and whose Word would go as far as their Oath, that is for nothing; the Person I mean having violated his Oath to the COLLEGE, and been turned out of his Place for so doing. But after all, what signifies such Men's Oaths whether True or False, who really know nothing of the Business, but by common Fame, and what the other Side would have granted to be true, if either Judge or Jury should have but asked them the bare Question.

THIS last Person I speak of, was Butler of the COLLEGE, 'till he was turned out for imbezelling, or in plainer Terms, for stealing the Goods of it, as I have heard from others, for I was at that Time removed to my Benefice; But I will relate a Thing which I heard from the Mouth of his immediate Predecessor, for when I had not been many Months in the COLLEGE; whether he thought he spoke Truth or not, I know not; but some Years after I came to know Things better, I found it a downright

right Lie; what he said was this, *that he was as firmly fixed in his Place, as Butler, as any of the Fellows were in theirs*: Whereas on the contrary, the Master by the very Words of the Statute, may put in, or displace any Servant, as he pleases: But not only a Fellow, but even a Commoner cannot be removed out of the COLLEGE, without the Consent of the Fellows as Dr. Charlet found by Experience, when he once endeavoured to make Trial of a tyrannical Power; but was baffled in the Attempt, and which I believe he never forgot whilst I was Fellow there; tho' possibly he might practice it both upon Scholars and Fellows afterwards; not only to my Wonder, but Astonishment also; for what might he not do, when (as he would have it thought) none but Heads of Houses were to be his only, or chiefest Judges?

I think I have now gone thro' and answered all the Arguments, whether of Weight or no Weight, that have, or can be produced by those that would persuade the Ignorant, and such as know no better that King *Alfred* was Founder of the COLLEGE, and all that now remains to be spoke of, is what happened before the last Dissention in the COLLEGE upon the Death of Dr. Charlet; and only to give my bare Opinion what occasioned either Mr. *Obediah Walker*, or the last deceased Master, to appear to be any Favourers or Promoters of this Opinion. Now

Now for Mr. *Walker*, I can in some Measure clear him from having much promoted this Opinion; for I hardly ever so much as once in my whole Life heard him mention it, or shew himself an Asserter of it, in any private Discourse; but being to publish King *Alfred's* Life in Latin, from Sir *John Spelman's* English Copy, he thought himself obliged to defend the *Interpolation*, which the *Cantabrigians* accused of Forgery, and which Sir *John* endeavoured what he could, to charge that eminent Historian withal; and so far Mr. *Walker* ventures in that Book to reflect upon Archbishop *Parker*, as to make an *Apostrophe* to him in these Words, *Si sic Cambdedus*. I have not Time to read or consult that Edition; But I take it for granted, that whatever is of Moment, Mr. *Wise* the *Custos Archivorum* Oxon; has made use of in the Vindication of that Assertion, which I have lately read, and may give him that Commendation he deserves; for having published in his Margent all the Objections that the greatest Scholars of the other UNIVERSITY have made against it, with some Improvement, and one a very considerable one, that to my Remembrance I never met with amongst those that have been his most strenuous Defenders; So that I take it for granted, that Mr. *Walker* had no other Design in that Defence he made for King *Alfred*, save to eternize that Prince's Glory

ry, in Respect of the whole Nation, and the particular Regard he had to that King, as being anointed by the Pope in his Childhood, and therefore that See of *Rome* was highly honoured by King *Alfred* afterwards, all the Days of his Life.

So that I take it for granted that it was no part of his Design to rob our Founder, *William* of *Durham*, (whose Bread he eat, at least when Master of the COLLEGE;) of giving the Society a Being in the World, or transfer the Honour of it to King *Alfred*, or to believe any such idle Stories of the vast Number of Scholars and their Salaries, paid out of the *Exchequer* by his *Saxon* Successors; 'till some *Danish* or *Norman* King deprived them of them; But that he was a great Admirer of this King, and a zealous Promoter of his Fame for Piety and Prudence and undoubted Valour, and all other Virtues and Excellencies that might adorn a Roman Catholick King, celebrated in all Ages, is what cannot but be acknowledged of Mr. *Walker*, who was a Man of good Reputation for Learning and good Morals, under King *Charles* the 1st's Reign, and appointed to preach before his Majesty, in the War Time, at *Oxford*, and was called upon by that King to preach a 2d Time before him, (as I have heard reported) and amongst other worthy Persons, he was one that had his Grace freely granted to be pre-

presented Batchelor of Divinity, in the Year 1646; But being shortly after ejected out of his Fellowship by the Visitors of the *Long Parliament*, he was forced for the most Part to travel beyond Sea, and was there (as some Zealots stile it,) rather poysoned than converted by some Romish Priest; or as some are of Opinion, by his own, formerly Protestant Tutor, the celebrated great Advocate for that Church, the famous Mr. *Abraham Woodhead*, Proctor of the UNIVERSITY in 1641, and afterward Author of the *Guide in Controversy*, and several other Books, published by Mr. *Walker* in his own Lodgings, during the Reign of K. *James* the 2d. This Person was afterwards restored to his Fellowship upon K. *Charles* the 2d's Return, but never communicated with the Church of *England*, then, or afterwards; and yet by Mr. *Walker*'s Means, he enjoyed the Profits of his Fellowship for 18 Years together, but a Resignation was not brought from him 'till a few Days before his Death. Now all this Time Mr. *Walker* received the Sacrament from the Hands of the Master of the COLLEGE, 'till he became Master himself, and continued to distribute it to others, 'till K. *James* came to the Crown, and then declared himself a Romanist; and then he also got a Dispensation from his Majesty, for himself, and two Fellows, his Converts, who held their Places 'till the King's flight,

notwithstanding the Laws to the Contrary. And when it was enquired of him, by several Persons, whether he was a Papist before or not, 'till his Majesty declared himself such? the Answer he gave was, usually this, *That he Thought no Man's Salvation depended upon his answering this Question:* And therefore we must leave it to be answered by him in another World.

I have many good Things to say of him, as that he was neither Proud nor Covetous, and framed his usual Discourse against the Puritans on one Side, and the Jesuits on the other, as the chief Disturbers of the Peace, and hinderers of all Concessions and Agreement amongst all true Members of the Catholick Church: But some Actions of his afterwards, can hardly be reconciled with these Pretences; for as soon as he declared himself a Roman Catholick, he provided him and his Party of Jesuits for their Priests; concerning the first of which (I think he went by the Name of Mr. *Edwards*) there is this remarkable Story, That having had Mass said for some Time in a *υπηρειον*, or Garret, he afterwards procured a Mandate from K. *James* to seize of the lower half of a Side of the Quadrangle, next adjoining to the COLLEGE Chapel, by which he deprived us of two low Rooms, their Studies, and their Bed-Chambers; and after all the Partitions were removed, it was some way or other Consecrated,

ted, as we suppose, to Divine Services; for they had Mass there every Day, and Sermons at least in the Afternoons on the Lord's-Days. And it happening that the Jesuit afore-mentioned preaching upon, 1 Cor. ix. 24 Ver. *So run that you may obtain*, many Protestants were harkening at the Out-side of the Windows, in the Quadrangle, one of them discovering that it was one of Mr. *Henry Smith's* Sermons which he had at Home by him, went and fetched the Book, and read at the Out-side of the Windows, what the Jesuit was preaching within; But this Report raised such a Noise in the Town, that this Person was quickly dismissed and another brought in his Room.

I had almost forgot one Thing more, that besides the Yearly loss of our Chambers, the Master procured another Mandate from the King, to have the Revenue of one Fellowship to be sequestred, towards the Maintenance of his Priest; Upon which, and the like Accounts, the Society, for their Compliance, were called upon to give an Account in the next Parliament; But Bishop *Burnet* making this Demand by one of his Scholars, then removed to our COLLEGE, we returned such an Answer, as freed us from all further Trouble upon that Account; And after all these Disadvantages to the COLLEGE, and the Charges the Society was at, in putting up a Statue of King *James* the 2d, presented to us by

a Roman Catholick, placed over the Inside of the Gate-house: Mr. *Walker* that had the King's Ear, and entertain'd him at *Vespers* in their Chapel, and shewed the King the painted Windows in our own; so that the King could not but see his own Statue in coming out of it, never had the Prudence nor Kindness to the COLLEGE, as to Request the least Favour to the Society from him; tho' the COLLEGE at that Time was worse provided of Benefices, than any ancient COLLEGE in the whole UNIVERSITY: *Melsonby* not being then purchased, nor *Headbourn Worthy* bestowed on it by our great Benefactor, the famous Dr. *Radcliffe*.

As to Dr. *Charlet* (tho' there were two intermediate Masters, and but of short Continuance) he within the Current of 4 Years succeeded Mr. *Obad. Walker* in the Headship, but he proved of another Temper, and being bred in another COLLEGE, and under different Statutes (where the President in some Cases has a Negative Voice) could not well be insured to govern himself, nor the Fellows by our own Statutes: He was so well known in the World, and had so general a Correspondence, that I need not enlarge upon his Character more than I have done already. We chose him, in Expectancy of his being a great Benefactor; but I think he lived to be his own Heir, and left us nothing of his Library,

ry, which he had so long promised ; but I shall have a Necessity of speaking of him hereafter, and at present say no more, than that whilst I tarried in the COLLEGE, he kept himself, or was kept by others, within some bounds ; but shewed his Temper to the full, when I was once removed from that Society. I had heard long ago to my great Admiration, what stress has been laid upon Dr. *Charlet's* Authority and his *Albums*, and I wondered the more at it, because I had acquainted him, that the COLLEGE had neither received House nor Lands, nor a Penny Revenue that ever came from K. *Alfred* ; and I thought he had been convinced of the Truth of it ; but by what Account he has afterwards given of King *Alfred*, and *William* of *Durham*, and of the COLLEGE Statutes, and who were our Visitors, and the like, to Dr. *Ayliffe*, or some other for him ; is so false, so monstrous, and so unaccountable, that one would imagine that some Legions of Devils had been consulted with, to impose upon the World and to infatuate him. This Book of Mr. *Ayliffe's*, tho' published, as I conceive, a dozen Years ago, never came into my Hands, nor was heard of by me, 'till about this last *Autumn*, and that too by meer Chance ; the Managers of Mr. *Denison's* Cause never mentioning a Word of it, and, for ought I know, was subscribed to as a Truth by them ; so that I cannot but say,

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what I have often told them, that their Cause has been miserably managed by them, even from their first setting out, 'till their overthrow in *Westminster-hall*, as will appear by their concurring with the late Master, in assenting to new Statutes, made and enforced by those, that had no Countenance of Authority for their so doing.

THIS I cannot but own, that Dr. *Charlet* was so far from flying to the Crown for Assistance, as a Royal Foundation, tho' his Pride in Part led him to it, that he might the more value himself, as Master of an ancient, but Royal Society; that he has no higher rise for those he would make Visitors, than the Year 1475; tho' what was done then, was by the unanimous Consent of the Master and Fellows, as well as those, whom against all Right and Equity, he has endeavoured very groundlessly to make our legal Visitors.

WHILST I was Writing this Treatise, I met with a Passage, which tho' I had often observed, yet I could never make any Thing of before, and if Dr. *Charlet* had known it, tho' he might not have offered his Hecatombs, he would have rejoiced in his *evena*, of which, I am now going to give, (as I am perswaded) a true Account.

UPON my perusing all the old Statute Books, now remaining in the *School's Tower*,
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quoted indeed in the *Fasti Oxonienses*, under the Year 1392, but without any further Remark upon it, than that having endeavoured to recover the Chancellors and Proctors Names, or rather Part of their Names from it, these Words were added, *Eorum nomina in scripto quodam literis conspurcato (quo scilicet ad Collegii Universitatis Regimen admissus per Cancellarium præfatum Commemoratur Tho. Foston Artium Magr' a Sociis pridem cooptatus) deprehenduntur.* This Passage might have very well passed without any Observation of Mr. Twine, who never was admitted into our Treasury; but methinks when these *Fasti* were supervised by Mr. Wood, who had the Perusal of our Muniments for several Days, if not Weeks together, and read our Statutes likewise in the *School's Tower*; it is a Wonder he could let it slip, without an Animadversion, it being so contrary to one of them; the Mastership being successive, according to Seniority, and not according to Election, 'till after the Decease, or Removal to a Benefice, of him, that was then Master, or Senior Fellow. I did not indeed understand this fully, 'till very lately I compared the Act it self, with a Marginal Note in Mr. Richard Fleming's Statute Book, written A^o. 1407; which seemed to explain it to me, and with ~~both~~ the Act, and the Animadversion, I meet with in the Words following.

RADULPHUS Rudruthus S. Pag. professor & Universitatis Oxon Cancellarius dilecto nobis in Christo Thomæ Foston Magistro in Artibus Socio Collegii Magistri Willielmi de Dunelmia magnæ Aulæ Universitatis Oxon vulgariter nuncupatæ salutem in eo qui est omnium vera salus, Ad Regimen Gubernationem sive præfectionem dicti Collegii sive Aulæ nuper vacantem & ad nostram Ordinationem confirmationem seu præfectionem spectantis de expresso & communicato consensu pariter & assensu Sociorum tuorum ad prædict te nominantium seu eligentium in dicto Collegio commorantium de consensu & assensu Mag'rorum in Theologia Regentium, Mag'rorum Galfr' Byland, Tho. Schrewisbury, Tho. Cranum monachorum Jo'his Gray fratris ordinis prædicatorum & Walt. Ware Augustinensis & Mri' Joh'is Whatlene & Roberti procuratorum universitatis antedictæ nobis assistentium juxta Statuta libertates & Consuetudines laudabiles Collegii antedicti admisimus & præficimus seu etiam confirmamus te investientes in eodem Collegio una cum omnibus suis juribus & pertinentiis e universis post biennium minime valituris Datum sub die sexto decima mensis Martii, M,CCC LXXXII^o. A^o. Pontificatus Domini Bonifacii 4^o.

THE Witnesses Names are so obliterated, that they cannot be read.

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THIS Act has so many Failures in it, that the best Excuse can be made for Dr. Charlet and Dr. Ayliffe, is, that they may be said to have copied after it: It alledging Statutes and Custom for that which is both sufficiently opposite and altogether contrary to what is here vouched for Truth in it.

As to my self I did not fully consider and examine this Deed or Dispensation, if you will call it so, before the Instant I was now Writing; yet I at last found so many Things asserted by the Fellows, (I suppose) that were desirous to have it passed, that they forgot or over-looked the very first Statute made in the Year 1292, which is this. *Imprimis ordinatum est quod Senior in licitis & honestis regulet Juniores, & si diligenter per se & Socios suos constitutiones nostras fecerit inviolabiliter observari habeat ultra alium sociorum dimidiam marcam quolibet A^o. ad sua necessaria*: So that the Master's Place, both before and 'till 83 Years after, was never by Election, but by Succession only; besides I could not understand why this Approbation, had it been never so good, should be limited to two Years and no longer. And therefore I conceive, the marginal Note of Proctor Fleming's, might be inserted upon the Occasion of passing this Act, which the true Senior Fellow, or Master, got revoked and annulled by *Convocation*; which caused this Act to be obliterated, that it might never be al-

alleged in after Times, as a Precedent for any Chancellor, Doctors, or Proctors to attempt or pretend to the like Authority.

THEREFORE I conceive this Act above recited, was in the Junior Proctor's Eye, when the marginal Note was added to one of the COLLEGE Statutes, and was done in the Form I shall here enter it in, out of the Statutes of the Year 1307. *Cod. C. fol. 99. alias 104.*

13. *Item ordinarunt præfati quod si aliquem a præfata Domo vel Officio in illa propter aliquod sinistrum amoveri contingat cognoscendi de causa summarie & amovendi culpabilem, dicti Cancellarius & Doctores una cum procuratoribus omnem habeant potestatem.*

14. *Item ordinatum est quod ad Augmentationem reddituum sufficienter pro uno socio novus Socius eligatur.*

Hic committitur potestas dispensandi & interpretandi statuta, sed non de novo faciendi, sed reservatur potestas illa ad congregationem Regentium & non Regentium.

15. *Item si in aliquo prædictorum fuerit hæsitatio seu dispensatio facienda super omnibus talibus habeant prædicti plenam potestatem.*

16. *Item recitent inter se has ordinationes diebus singulis quibus pro suo celebrent fundatore.*

MANY

M A N Y Things might be observed from these three Statutes foregoing. 1st, That *William* of *Durham* was meant by the Word Founder, and not K. *Alfred*.

2dly, T H A T tho' the first Statutes had provided that the Number of Fellows and their Stipends should be encreased after the U N I V E R S I T Y and Nobles of the Land had paid them what they had borrowed of *William* of *Durham's* Money; they thought, that now more Lands were bought, more Fellows should still be chosen.

3dly, I T seems to me, that Doctors of all Faculties, except those of Arts, were intended under that general Title; but because Custom, which is the best Interpreter of Statutes, has explained it otherwise, I shall not insist upon it in this Place.

4thly, I T is plain, that none but the *Convocation* it self can be understood by these general Words of *Magistrorum Regentium & non Regentium*, here so expressly mentioned in this marginal Note and Observation: Whereas all the Doctors, of what Sort soever, can never make a *Convocation*, without the Regent, and Non-Regent Masters joyned with them; and it is certain, that the Doctors and Proctors alone, can never make a *Convocation*, and therefore their Visitatorial Power is here altogether rejected.

B U T because Dr. *Charlet* or Dr. *Ayliffe* has en-

endeavoured to set the contrary Notion on Foot again, and, that, in such a publick Manner, as I would never have suffered to have spread it self in the World, without as publick a Refutation, had I ever been informed of it 'till very lately: I will take what I now find printed by them into full Consideration, and give it, I hope, a full and ample Confutation.

THIS Account I must fetch from a Book published by *John Ayliffe*, Doctor of Laws, in the Year 1714, whose Title is, *The ancient and present State of the University of Oxford*: Taken, as I suppose, from the Information of *Dr. Charlet*, and which very lately came to my Knowledge; in which, in one Place, he gives the COLLEGE very prudent Advice, and tells them, *That the Statutes now in Force, want much Reformation and Amendment, as well as some additional Injunctions; and if I am not Mistaken, a Royal Confirmation for the better Continuance and Observance of them.* Whether this was put in his Head by *Dr. Charlet* or no, I know not; but this is certain, that it was long in the Wishes of the Society to have the like done for them by their proper Visitors; and in Order to it, *Dr. Charlet* promised, when he was chosen Master, he would concur with the Fellows in endeavouring it: But as soon as he was Head, he forgot most of his Promises, and never moved a Hand toward it afterwards.

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But the Rest that follows, is altogether so False and Groundless, that Dr. *Ayliffe* cannot be charged with it as his own Invention, but must have had it from some other Hand, and from none so likely, as from the Master's only. The most Remarkable are some of these that follow in Vol. 1. p. 257. —I must beg the Reader Pardon in this Place, for repeating what I before related, because I had then lost what I have now found, upon which you must have rested on my bare Authority; but now I shall produce the Statutes referred to, to support it.

Mr. Usher who moved for a Mandamus to the Vice-Chancellor of this UNIVERSITY of Oxford, for refusing to admit of the Appeal, made to the said Vice-Chancellor and Convocation on a Sentence of Expulsion: It became a Question, Whether the said Vice-Chancellor, and Convocation were Visitors of the same (COLLEGE) for it was affirmed, that the Body of the UNIVERSITY, in Convocation, were legal Visitors thereof; But whoever reads the Statutes of the COLLEGE, and will consider the many Precedents thereon, in Relation to the Visitatorial Power, must acknowledge the Vice-Chancellor, Doctors of Divinity, and the two Proctors of the UNIVERSITY, to be the Visitors thereof, and not the Convocation at large, as then contended for.

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THIS Case here seems so plainly asserted, who were our true Visitors, that whoever reads it, and was no further acquainted with our Statutes, would be apt to open his Mouth, and say, *certainly this must be true, and, surely no Evidence can be brought against it*: And yet if he will but be perswaded to read on to the End of this Paragraph, he will see Cause to be of another Opinion; for strictly speaking, there is not one true Word in it, but all is so repugnant to Truth, that no Oxford Civilian, except he was perswaded by others to forfeit his own Reputation, would, or could have invented it; and therefore it must be supposed, in all Probability, to come from another Head that first framed it for his own Advantage, and afterwards endeavoured to propagate it by another's Hand. It is an ungrateful Thing to publish to all the World, the many Fictions, and Dishonesties, which those that have first or last been Members of this COLLEGE, are found guilty of; but he that would conceal all their Forgeries, must needs be reputed a Partner in them; if he does not endeavour to refute them. I have done this in Part in the preceeding Sheets of this Treatise, under the Letter (N); but in such haste, that I could not consult all my Collections upon every Head that came in my Way; but having got a little more respite, I will give now a fuller Relation of some of these Matters

ters more at large, borrowed out of the Acts of the Chancellor's, or, as it may be called, the Commissary's Court, at *Oxford*; but that I may make an End of Mr. *Usher's* Business altogether, I will inform the World how it happened, that Dr. *Charlet* had either the Will, or the Power, to procure his Expulsion; and this I rather do, because I suffered much in my Reputation in the UNIVERSITY, for being imagined an Assistant to him in his so doing.

THIS Gentleman at that Time was Bachelor of Arts, and I think, having took that Degree under Age, he could not proceed to his Master Degree, without going out *Grand Compounder*, whose Fees to the Officers of the UNIVERSITY, being very high and chargeable, he might think that the getting a Fellowship might better enable him to pay them; not considering that an Estate that obliged him to go out *Grand Compounder* did incapacitate and unquallify him for Ever from being chosen Fellow, except he had before sold it, or disposed of it. But the Master's ground against him, proceeded from some other Principle, but what it was, I am uncertain; but his Objection to me was, *That he thought him not so good a Scholar as another Candidate was*: Which upon Examination of both Parties, proved a Mistake. Another Objection was, *That he had (it may be) twice or thrice*
knocked

knocked to come in, after the Gates were shut: Which in so many Years standing, used not to be looked upon as a very heinous Crime, and could not be punished, at the highest, with a greater Mulct than 40s. *toties quoties.* And the Matter at last (and not before the Day, I think, of his Election) that caused his Expulsion, was some dubious, but scandalous, Words spoken against the Master, and which, if interpreted in the worst Sense, (which yet he denied to be their Meaning) well enough deserved all that he suffered. Now in the foregoing Relation, it is said, that he moved for a Mandamus against the Vice-Chancellor, for not admitting his Appeal from that Sentence to the *Convocation*, which is brought in as an Introduction only, to make Way for what follows; for the Statutes of the UNIVERSITY forbid such Appeals in all Criminal Matters against Sobriety and good Manners; especially against Defamation or Libels, that break in against the Peace of the UNIVERSITY. So that Dr. *Ayliffe*, if he had considered the Case fully, such an Appeal was altogether unstatutable and unpracticable; for such Appeals ~~be~~ only, to the Congregation, and afterward to *Convocation* in Civil Matters, in which Cases alone, the Vice-Chancellor's Sentence is reverfable. So that the Mandamus sought for by Mr. *Usher*, seems only to have been directed to the Vice-Chancellor, that the Justice of his Expulsion might

might be heard and examined in the King's Bench, and if he had been wronged by the Vice-Chancellor, he might have had Remedy in that Court, whose Power and Authority the Judges are best able to determine; such Appeals being sometimes received and sometimes rejected by them, as may be seen more at large in Dr. *Ayliffe's* Book afore-quoted, Vol. 2. p. 23, &c.

HAVING thus shewn the Falsity of what is asserted, in Relation to Mr. *Usher*, I proceed next to refute all the remaining Parts of that Paragraph, Vol. 1. p. 258. It was intended, as I believe, to set forth what happened upon a far different Occasion; but when sifted to the Bottom, there will not be found the least Syllable of Truth in it; for it is mere Fable, and is wholly contradictory to an Account I have given, of the Case of an honourable Person, being both displaced, and restored by the Master, as is afore related, in Page 184 of these *Annals*; But because what was said there will seem wholly to depend upon my own Veracity, who was present at the Actions I relate, and because the Relater here appeals both to the Matter of *Statute*, and to the Matter of *Fact*, to prove a standing Delegacy to be the true and ultimate Visitors of the COLLEGE: I will now endeavour so to suppress that false Opinion, that it shall be no longer in the Power of the most impudent Person in the World

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any

any more to revive it, this Notion having caused the Ruin of Mr. *Denison's* Cause, as far as it is ruined.

PASSING by therefore what has been already related, concerning the Act of Chancellor *Rudruth*, and the Marginal Note in the Junior Proctor's Statute-Book, I will begin with the first Record that I have afterwards found, relating to this very Business, which happened in the Year 1551; in which Year, it seems, the then Master of the COLLEGE being old and infirm, made a Resignation of his Place into the Hands of the Fellows, in their Chapter-house, on the 24th of *October*, as I find in the COLLEGE Register Book, but I shall omit it here, because it will be repeated in the following Act, which gives it in the Words following of the Acts of the Chancellor's Court, whose Character is G. G. fol, 55. b.

29^o Die Octobris A^o. Regni Edwardi sexti, Dei gratia Angliæ, Franciæ, & Hiberniæ Regis fidei Defensoris ac in Terris Ecclesiæ Anglicanæ & Hiberniæ supremi Capitis quinto personaliter constitutus Magister Richardus Salvaine Collegii Universitatis Oxon Magister in Capella Collegii inter horas octavam & nonam ejusdem diei ante meridiem, præsentibus tunc ibidem Mag^ris Edm. Thompson, Radul. Cockey & Jacobo Dugdale in artibus Mag^ris ac prædicti Collegii Sociis sponte pure & simpliciter dicebat se Curæ regiminis dicti Collegii renuntiare, in hæc verba, aut in effectu similia. TE

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 “ to you divers and sundry Times to provide
 “ some meet-Man, whom you could agree upon
 “ according to the Statutes, to supply the Ma-
 “ stership of this COLLEGE, what you have
 “ done therein I am uncertain; if ye be not yet
 “ provided, I will you to provide one out of
 “ Hand; for I have let you know sundry Times
 “ heretofore, that I could in no wise for my In-
 “ firmities of Body, do such Things as the Office
 “ requireth: Wherefore now I tell you once
 “ again that you trust no longer to me from
 “ henceforth, for I can in no wise continue here,
 “ choose therefore, in GOD’s Name, some Man
 “ whom you think meet, for my room, and I shall
 “ be very well contented therewith.”

To which Words and Sayings, we the Fellows
 afore-mentioned did agree, and taking of him
 the same, for a free and lawful Resignation of
 the Mastership of the said COLLEGE; and
 thereupon after just Deliberation, and sufficient
 Time in the Premises, the Fellows uniformly did
 lawfully elect in their Chapter-house, Mr. George
 Ellison to the Office of the Mastership of the
 said COLLEGE as hereafter appeareth.

Edmund Thompson
 Jacobus Dugdale.

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lawfully elect in their Chapter-house, Mr. George
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said COLLEGE as hereafter appeareth.

Edmund Thompson
Jacobus Dugdale.

Electio Magistri Ellison in officium Magistri Collegii Universitatis Oxon ultimo die Mensis Novembris A^o. Regni Regis supradicti.

Ego Georgius Ellison Socius Collegii prædicti nomino Magistrum Edmundum Thompson in officium Magistri ejusdem Collegii.

Ego Edmundus Thompson nomino Mag^rum Ellison in officium Magistri Collegii supradicti.

Ego Jacobus Dugdale Socius Collegii Universitatis nomino Magistrum Georgium Ellison in Officium Magistri Collegii predicti.

Ego Gulielmus Rawson Socius Collegii Universitatis Oxon nomino Magistrum Georgium Ellison in officium Magistri Collegii prædicti.

ULTIMO die Novembris hora nona ante-meridiana A^o. 1551 exhibita fuit mihi Electio Georgii Ellison ad officium Magistri Collegii Universitatis Oxon quem quantum ad me attinet admisi ratamq; habui eundemque admisi, in officium predictum juxta receptam Academiae consuetudinem A^o. die, & hora supradictis. Acta erant hæc in præsentia Simonis Perrot & Jacobi Dugdale Artium Magistrorum.

Owinus Oglethorpe (Vice-cancellarius).

(Ibidem fol. 56. a. ita sequitur).

ACTA coram Magistro Owino Oglethorpe Theologiae Doctore ac Universitatis Oxon Cancellario in ejus domo sita infra Collegium Divæ Magdalenæ

dalenæ Oxon prædictæ ultimo die Novembris inter horis primam & secundam pomeridianam A^o. Regni Regis Edwardi sexti quinto in præsentia mei Jo. Bowier notarii Publici.

QUIBUS die hora & loco dictus Magister Cancellarius ratificationem admissionis Magistri Georgii Ellifon ad officium Magistri Collegii Universitatis Oxon per se hora ante meridia nona ut dicebat quemadmodum ex propria ejus Scriptura sic præscripta melius liquere & apparere dicebat ad quam se retulat factam in quantum in se fuit ratam habuit & prorata haberi voluit; præsentibus tunc ibidem me Johanne Bowier notario publico & Magistris Thoma White in Legibus Baccalaurio & Willielmo Marshall in Artibus Magistro & dictæ Universitatis procuratore ad hoc testibus vocatis rogatis & requisitis in præsentia item dicti Magistri Georgii Ellifon quod actum est admittentis.

Ratificatio admissionis Magistri Georgii Ellifon ad officium Magistri Collegii Universitatis Oxon.

FROM this last aforegoing Act, it may be gathered that King *Edward* the 6th was not then thought upon as Visitor of the COLLEGE. 2dly, That the Chancellor himself, Dr. *Richard Cox*, being as well the King's Visitor as Chancellor of the UNIVERSITY, could not obstruct this Cause from being brought before the Convocation, as will appear from what I find entered in the COLLEGE

Register, as well as in the Publick Registers of the UNIVERSITY, as bye and bye will be made manifest by my Quotations out of them, and will come in Course according to the Dates of them.

AND first out of the COLLEGE Register in the Words following.

ANNO Dom' 1551 ultimo die Novemb' ac ejusdem diei hora octava convenerunt omnes Socii Collegii capitulariter eligerunt in Magistrum hujus Collegii Georgium Ellison facultatis Artium Magistrum. Quo quidem tempore orta est maxima controversia pro officio prædicto, nam visitatores Regis Edwardi ad tunc actualiter Regentis ex quibus Richardus Cox Theologiæ professor & tunc temporis Cancellarius Universitatis fuit unus volens tunc officio præferre quemdam Magistrum Thomam Kay (qui nunquam fuit ex comitiva hujus Collegii) & hoc voluit imprimis prædictus Cox, qui duplici pollebat Authoritate, Cancellarius tum etiam quia fuit unus visitorum Regis prædicti, habuit enim prædictus Magister Kay quandam ut asseruit) resignationem in forma juris scriptam sibi ab ultimo Magistro viz. Richardo Salvaine factam, non obstante quod viva voce in Sacerello officium suum hujusmodi coram omnibus Sociis antea dimiserat prædictus Salvaine sed facta tandem Appellatione a prædicto Domino Cancellario per Socios Collegii ad Majorem Congregationem, erant quidem ex singulis facultatibus per
Uni-

*tam quia
fuit*

Universitatem in Convocatione deputati ad audiendam causam & determinandam; a quibus tandem conclusum est Magistrum Ellison esse verum Magistrum Collegii pro termino vitæ suæ, adempto Magistro Kay omni jure & titulo ad idem officium si aliquid hujusmodi possit aliquo modo habere &c.

THIS Account, abating the &c. at the End of it, makes the Case as plain as possible, that the Chancellor, and Doctors of Divinity on his Side, (for it's like he had some) were liable to have all their Acts to be examined and over-ruled by *Convocation*, but because of the &c. and what immediately follows after, I will lay no greater Stress upon it than it deserves; only I will observe, that it is manifest from the Success, that *Ellison* kept his Headship during his whole Life, and that, in Probability, caused this Act, so entered at large, that it might hinder all like Attempts afterwards, for it must needs have been entered as it now stands after his Decease; for it immediately follows, without any Breach, *vixit in eodem officio Magister Georgius Ellison sex annos & sex menses post quod tempus Hæctica Febri consumptus 3^o Kalendarum Junii in fata decessit.* Which Account, upon a sudden Reading I should have took to be true, but when I came to copy this Act out of my own Collections, I found I had made a Remark,

that the Computation was false, for between the 30th of November, 1551, to the 30th of May, 1557, is five Years and six Kalendar Months exactly; but I give up this Account to my Adversaries out of mere Kindness, and lay no more Strefs upon it, than the bare Recital thereof.

I will now to back it produce a more authentic one, taken out of the Register of the UNIVERSITY, whose Character is F. F.

ANNO Domini 155 $\frac{1}{2}$ die vero Martii undecimo celebrata est quædam Convocatio magna Doctorum necnon Magistrorum Regentium & non Regentium in domo Congregationis. In qua Congregatione exhibitæ sunt a Magistro Thoma Kay scriba Universitatis, Magistro Johanni Warner, tunc procancellario Literæ quædam procuratoriæ quibus patebat ipsum Magistrum Thomam constitutum fuisse verum & legitimum Mag'ri (Rich.) Salvaine Magistri ut pretenditur Collegii Universitatis Oxon in quadam controversia pendente inter prædictum Magistrum Salvaine & Socios ejusdem Collegii circa electionem quandam novi Magistri injuste ut tunc asseriebatur ab eis factam & habere potestatem alios etiam procuratores ad placitandum, jus proseguendum, ac pro eodem Magistro Salvaine in absentia sua respondendum tam in hac causa quam in aliis quibuscunque annexis substituendi pro ut plenius in eisdem Literis patet. Tuncque & ibidem venerabili congre-

gregotioni allegatum est a dicto Magistro Thoma Kay & per modum querelæ delatum præfatum Magistrum Salvaine fuisse graviter injuratum a prædictis Sociis ac aliis ratione prædictæ iniquæ electionis ac contra omni jus a Collegio e suo extrusum & ideo dictam congregationem instantanter instantius & instantissime rogabat prædictus Magister Kay ut tantæ injuriæ remedium adhiberent justitiam parti^t edjuriatæ pro officio mi-^{injuriato} nistrantes. Cujus petitioni annuens congregatio fudices ad audiendam dictam controversiam ac etiam ad finaliter terminandam pro more deputarunt ac eligerunt, quibus Universis ac etiam majori^{eo- par li} eorundem sub hac tamen conditione quod illorum Sententiis tota^t sis ac controversia terminetur ante^t ^{lis} festum Ascensionis Dominicæ proximo futurum.

Delegati erant Magister Owinus Oglethorpe Procancellarius.

Jacobus Brooks in Theologia Doctor.

Robertus Morwent Collegii Corporis Christi præses (Bac. Theologiæ).

Henr. Sydall Ecclesiæ Christi Subdecanus (L. L. Bac).

Marshal & Rogers Procuratores.

Mag'r Bruame (postea Professor Hebraicus).

Mag'r Marshal; & Mag'r Bentam (postea Episcopus Lichf.)

NOTA hic etiam quod duo tria vel plura folia hic loci ex hoc Registro excisa sunt & igiturq; determinatio causæ desiderata.

IT will appear to those that understand Latin, by the Acts afore cited, that there must necessarily have been two Appeals to the *Convocation*, one for the Trial of Mr. *Kay*'s pretended Right to the Mastership; because that upon Mr. *Rich. Salvaine*'s having resigned his Headship to him, who was never bred up in the COLLEGE, which incapacitated him for the Place without a Dispensation; another, when that was rejected and declared void, brought in the Name of Mr. *Salvaine*, for their electing another Person in his Room, whilst he was still Master, this being three Months after *Ellison*'s Election; which, I think by his dying Master of the COLLEGE, is a sufficient Refutation, that the Delegates were never acknowledged to be our ultimate Visitors.

I shall now proceed to shew, that the Statutes pretended to have been made by them, were not of any true Force or Validity, which seem to be asserted as such in the same, 258 p. of Dr. *Ayliffe*'s Narrative: The Former of which are these, made when Dr. *Fell* was Vice-Chancellor of *Oxford*, and was in the Words following.

17 Januarii A^o. Dⁿⁱ 1666. In Dei nomine,
Amen.

NOS Vicecancellarius Doctores in Theologia &
procuratores Academiae Oxon, legitimi &
in-

indubitati Visitatores Collegii Universitatis Oxon, &c. Statuimus ordinamus & volumus ut omnes & singuli Collegii prædicti Socii qui nunc sunt aut in posterum futuri saltem post quartum annum ab Inceptione in Artibus aut a tempore quo numero terminorum secundum Statuta Universitatis expleto, incipere potuissent sine tergiversatione aut mora sacros Diaconatus ordines suscipiant & anno inde completo in presbyteros ordinentur sub pæna Amotionis, nimirum ut ipso facto pro non Sociis habeantur.

Decernimus vero ut si qui e præsentibus Sociis ante quatuor annos Ordines sacros nondum suscepunt illi ad vel ante festum Trinitatis proxime sequens eosdem suscipiant sub pænis prædictis.

Monendi sunt etiam Magister & Socii Collegii prædicti ut Statutum hoc de ordinibus suscipiendis Statutorum libro statim inserendum procurent & perpetuis temporibus quovis termino cum reliquis Collegii prædicti Statutis solenniter legant. In quorum omnium majorem fidem manus nostras præsentibus apposuimus.

Joh'es Fell, Vicecancellarius Oxon.

*Rob'us Newlin, præses
C. C. C. S. Theol.
Professor, with ten
other Doctors of Di-
vinity, and the two
Proctors of the UNI-
VERSITY.*

*Dat' 17^o. Die
Januarii A^o.
D'ni 1666.*

THE

THE Occasion of the Meeting of these Delegates at this Time, was to regulate and alter some Orders, or Dispensations made before, concerning paying of Debts, and suspending all Elections of Fellows, 'till they were all paid, and at this Time to suspend that Order, and make Way for the Election of Mr. *Tho. Laurence*, a Relation of Sir *Simon Benets*; and this new Statute was made, as the Account thereof given in the Act it self, as it were by Chance, upon the Vice-Chancellor's Enquiry, whether the Statute concerning studying Divinity was observed by all the Fellows? which drew the then Master, Dr. *Clayton*, to say, that one of the Fellows, Mr. *Jo. Armitage*, studied and professed Physick, without any Dispensation allowing him so to do; Upon this, that Gentleman was obliged to go into Orders; but notwithstanding, for several Years following, he kept his Fellowship, and practised Physick in the Country also, 'till he was forced to resign, because the Society would give him no more Leave for Absence.

Now upon my being chosen in to this Gentleman's Place, in the Year 1675, I found this Marginal Note against this Decree, *that it was made, none of the Fellows consenting to it*; and that afterwards this Note was, by Mr. *Obad. Walker*, or some other, erased and obliterated; and at last, began to be questioned as invalid, in Dr. *Charlet's* Time, and was
not

not suffered by the Society to be longer read, as being made without Authority, and beyond the Bounds of the standing Delegates Commission; and because the Fellows would not allow that Order to be read as a legal Statute, that Master for some Years never caused the Statutes to be read at all; but without calling a Meeting of the Fellows, or consulting any of them, one Day at Prayers declared the honourable Mr. *Albemarle Berty's* Place void, and caused his Name to be struck out of the Roll of Fellows, and then enter'd it as a Nobleman (as I take it) next to the Master himself, in the Buttery Book. I have given an Account of this Matter, and by what Means the Master was forced to restore him: But least that it should be said by some that will believe nothing but what they like, and so be questioned, and what I report be denied, as in the Instance afore-given, about Mr. *Bennet's* Dispensation, I will here give an Account of this whole Matter, as I prepared it for the Register; but for the Master's Sake was omitted to be entered, I my self being Register for that Year, therefore best know why it was omitted (though I think there was a Place left empty for it); But as I have it in my own Transcript, what was designed to be entered was in the Form following, with this Preamble.

HIC

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HIC

HIC jam sistendus calamus eo quod sequentia ad amotionem & restitutionem Magistri Berty, spectant acta in Manu Magistri deposita, in Acta non dum relata sunt in hoc Registrum.

X^o. Julii A^o. Dⁿⁱ 1701. Magister coram sociis ad preces congregatis pronunciavit locum sive sodalitium Magistri Albemarlei Berty vacantem ob sacros ordines infra tempus a Statuto 17^o. Januarii Anno 1666 condito non susceptos sociorum tunc presentium sententiis de viribus hujus Statuti non exquisitis, nec suffragiis eorundem ad declarandum prædictum locum vacantem rogatis; Etsi præfatus Magister Berty a Magistro Collegii instanter petiit ut sociorum sententiæ de hac re exquirerentur vel suffragia rogarentur.

Post hæc acta sunt sententiam dicto die a Magistro prolatam oppugnabant Magistri Smith, Nailer, Berty, Nevile, socii præsentis, & postea per literas suas Magistri Borafton & Clavering, utpote statuto (17 Januarii Anno 1666) haud legitime lato innixam neque suffragiis sociorum rite rogatis munitam. Etsi eam calculis suis ex post facto confirmabant Dr. Hudson & Magistri Allen, Elstob, & Denison.

[I have particularly named both the Dissenters and the Approvers of this Act, that Posterity may know who they were that seemed to act according to their Privileges they were sworn to maintain, and who against them: Those that took Part with Mr. Berty in this Cause,

Cause, prepared the stating of the Case, and drawing up the Arguments above recited, against the Delegates being our Visitors, or their Power of making Statutes; and the Instances that the Convocation were our true Visitors, and the Appeals, both in Mr. Ellison, Mr. Kay's, and Mr. Salvaine Cases, determined by them, and after in Mr. Thornton's Case 1654.]

Ad hanc vero litem sic infelicitè exortam, amice placideq; terminandam visum est Dominum Vicecancellarium S. Theologiæ Doctores & Academiæ procuratores sub hac forma Consulendos esse.

WHEREAS a Decree made the 17th of January 1666, to oblige the Fellows of UNIVERSITY COLLEGE, after a certain Time, to take Orders, has occasioned some Doubts concerning the Design and Validity thereof. We whose Names are hereunto subscribed, do apply our selves to the Reverend the Vice-Chancellor, Doctors of Divinity, and Proctors of the UNIVERSITY; humbly desiring their Opinions concerning the Decree aforesaid, whether it be to be looked upon as an Interpretation only of our former Statutes, or an Authoritive Act intended to introduce a new Statute, without the Consent of the Fellows, first had thereunto. Signed October the 15th 1701.

Arthur Charlet, Master,	} Tho. Allen,	
William Smith,		Wm. Elstobe,
John Hudson,		Wm. Denison.
		Note,

Note, That the first Draught was signed by *John Nevile*; but he refused to do so when afterwards fair Written, upon the Advice, I think, of *Mr. Berty*, who chose rather to have his Cause to be decided by *Convocation*: The Reason he did so, shall be related hereafter.

The Sentence or Judgment of the a-fore-mentioned Mr. Vice-Chancellor, Doctors and Proctors.

WE the Vice-Chancellor, Doctors of Divinity, and Proctors of the UNIVERSITY of Oxford, whose Names are here unto subscribed, having read the Decree of the 17th of January, 1666, concerning taking Orders within a Time therein limited, and comparing it with a Former Statute, made A^o. 1311, §. the 2d, do conceive, that it was made in Pursuance of that Statute, and intended as an Explication and Enforcement of the same, and as such, do determine that it shall be held and accepted for the Future. And because the Honourable Mr. Albe-marle Berty, not thinking himself under the Obligation of the Decree of 1666, has not hitherto applied himself to the Study of Divinity, and therefore, at present, may be unprepared to go into Orders, we according to the Power granted to us, by the Statutes of 1311, §. the 15th, do ~~to~~ dispencc with him from taking Orders for two Years after the Date of this our Determination

tion, upon the Expiration whereof, we oblige him to the same Penalty, which the other Fellows of the COLLEGE lye under. 16 Oct. 1701. Signed by the Vice-Chancellor, Doctors of Divinity, and Proctors.

Quibus peractis nomen Magistri Alb. Berty, prius deletum e numero Sociorum Magistro jubente inter Socios eodem die iterum relatum est.

Note, T H A T the Words here printed in Roman Letters, were obliterated before the Act was signed, as I remember; but being then Talking with one of the Doctors, I am not certain by whose Order: For Mr. Berty, tho' he thanked them for their Dispensation, yet told them, he conceived he was no way under the Statute of the Year 1311, because he was not of that, or Skirlow's, or Percy's Foundation, but of Sr. Simon Benet's; which as yet had no particular Statutes made for it. And therefore, I suppose, this was the Reason why he would have had his Appeal to Convocation to have gone forward, that Provision might be made how far these Fellows are obliged, and what Dispensations might be allowed to those that Travel, and as had been made by the Decree in Chancery 1649, but repealed afterwards in the same Court 1662, but without appointing any Thing as to this purpose.

H A V I N G thus proved the Vanity and Falshood

shood of the stated Delegates being our proper Visitors, either by Statute or Practice, as was above asserted, and shewed to the Contrary, that that Decree of 1666, was contrary both to Statutes, and Customs, and Privileges of the COLLEGE, which all the Fellows, when they are admitted, and Masters also, swear to observe. I proceed to the next Decree, said to be made by the like Persons, in pursuance of a bad Example, which it is like had been laid before them, after it had been renounced in the Judgment a little before quoted: I came to the Act made by them in the Year 1711, which when I touched before of it in Page 186, I could not possibly find, but now it is come to my Hand, I shall give it Word for Word, as here follows.

(It begins) *June 30th 1711, (which shews the Skill of the Register) Nos Vicecancellarius Doctores in S. Theologia & Procuratores Almæ Universitatis Oxon, legitimi & indubitati Visitatores Collegii Universitatis in dicta Universitate Decernimus ordinamus & volumus quod Thomas Allen, proficua redditus & Emolumenta dicti Collegii percipiat usq; ad 28^m Diem Mensis Maii ultimo elapsam, quo die per Magistrum dicti Collegii a Sodalitio amotus fuit.*

ITEM statuimus volumus & ordinamus quod a die datarum præsentium statutum dicti Collegii in quo unusquisq; socius post promotionem ad Be-
ne-

beneficium Ecclesiasticum patrimonium seu pensionem perpetuam ultra annum valorem decem Marcarum bonæ & legalis Monetæ Magnæ Britanniae, diductis oneribus & post sex Menses elapsos a tempore Institutionis ad Beneficium prædictum a Sodalitio dicti Collegii & omnibus proficuis redditibus & emolumentis ad dictum sodalitium pertinentibus privetur & amoveatur per Magistrum & socios dicti Collegii absq; ulla Dispensatione quacunq; observetur.

ITEM statutimus volumus & ordinamus quod a die datarum præsentium unusquisq; socius dicti Collegii post promotionem ad Beneficium Ecclesiasticum & Institutionem ab Episcopo Dioceseos obtentam voluntarie Magistrum & socios dicti Collegii vel personaliter vel in scriptis informabit infra Mensem post Institutionem prædictam & diem Institutionis declarabit quo Beneficium Ecclesiasticum ultra annum valorem decem Marcarum diductis oneribus obtinuerit & tunc numerando sex Menses a die Institutionis prædictæ pro non socio habeatur & delaretur. Et quod unusquisq; socius tale Beneficium accipiens & diem Institutionis non informans beneficio redditus & emolumentorum sodalitii dicti Collegii (per sex Menses per Statutum debitorum) privetur.

MONENDI sunt insuper Magister & socii Collegii prædicti ut statuta prædicta Statutorum libro inferenda statim procurent & perpetuis temporibus

poribus quovis termino cum reliquis dicti Collegii statutis solenniter legant. Signed by Dr. Lanca-ster, Vice-Chancellor, and a Dozen other Doctors, and two Proctors.

THOSE that understand Latin will easily interpret the Design of these Statutes; but for the English Readers sake, I will transcribe the whole Account Dr. Ayliffe gives of them. (tho' I have already done it before in some foregoing Pages of this Discourse)

Vol. I. p. 258. IN the Year 1711, this COLLEGE was visited by the Vice-Chancellor, Doctors, and Proctors, (as aforesaid) in the Case of Mr. Thomas Allen, a Fellow thereof, unduly deprived (as was alledged in his Appeal) for that he had been in the Possession of an Ecclesiastical Living beyond the Time indulged by the local Statutes of the COLLEGE: But upon Mr. Allen's pleading for the wonted Practice of the Fellows (tho' Contrary to Statutes) of holding their Fellowships with Church Preferments, &c. two Statutes or Ordinances were made by the Visitors; the one commanding all Fellows, at the Expiration of one Year, after their Institution into any Re-enjoining Story, or Vicarage; and the other enjoying all Fellows thus instituted, to give Notice or Intimation of such Institution to the COLLEGE, within the Space of one Month after receiving the same under the Pain of forfeiting the Benefit of this Year of Grace. NOW

Now it is most certain that *six Months*, as the Latin speaks, is far different from *a Year*, as the Doctor translates it; and how he came to do this within the small Distance of Time of making these Decrees A^o. 1711, from the Year 1714, of the Doctors printing his Book, cannot be easily conjectured; except Dr. *Charlet*, and the Visitors became ashamed of the Harshness of this Statute, so contrary to the Custom of UNIVERSITY COLLEGE, and the Statutes or Customs of most, if not all the COLLEGES in *Oxford*: Or if the Master, or other Heads of Houses were displeased with him for this Alteration, why did not he or they take care to have it corrected in the *Errata*, if not of the 1st, yet of the 2d Edition, I am a perfect Stranger to? For the Edition that is come to my Hands, bears Date 1714; but mine cannot be the 1st Edition, for several of the *Errata* given us in the End of the 2d Volumn, are corrected in my Edition; but they are only such, as a knowing and skilfull Printer wou'd amend of Course, but the greater stand uncorrected still: So that I conjecture, that either the reprinting of the Book was forbid, or the Bookseller has plaid a Trick with the Author, and published a 2d Edition without his Knowledge and Allowance.

I come now at last to the Close of what is said of UNIVERSITY COLLEGE, ending with these Words, *In the Year 1557, there*

happened a Contest amongst the Fellows of this COLLEGE, about the Choice of a Head, whom they call Master, which was referred to the Visitors. By Visitors, it is likely, that Dr. Ayliffe, or his Informer, meant the Vice-Chancellor, &c. But whoever was meant, the Matter is as False as all the other Forgeries, for there was no such falling out amongst the Fellows about any such Election that Year, or near it; for George Ellison was jointly elected by all the Fellows, save his own Vote for another Fellow in the Year 1551; and upon his Death, the next Master that was elected, was Mr. Anthony Salvaine, of which our Register gives this Account, 21^o. Die Junii A^o. Dⁿⁱ 1557, convenerunt omnes Socii capitulariter & elegerunt ac pro electo declaraverunt Antonium Salvaine, sacre Theologie Baccalaureum in officium Magistratus hujus Collegii & presentaverunt eundem Domino Commissario Universitatis qui debite eum admiserat in Magistrum Collegii juramento ei prius coram sociis administrato, viz. quod Statuta se & suum Officium tangentia observet & cetera quæ in eodem Statuto sunt contenta, quod quidem Officium post annum integrum & quatuor Menses idem Antonius per liberam resignationem secundum formam juris factam dimisit. That is to be noted, that this is a different Master from his Name-fake Richard Salvaine, who resigned his Mastership in the Year 1551.

It is likewise worthy my Observation, that
the

the COLLEGE Register reacheth no higher than the first Year of *Henry* the 8th's Reign, and was written in a very bad Hand, and afterwards copied again by some other; but where the old one left off, I have now forgotten, nor whether it was remaining when *Dr. Todd* reviewed the Treasury, I cannot tell; but this I am sure of, that I afterwards met with some Sheets or Leaves of the old Register, and compared it with the Latter, and they agreed one with the other. And I suppose that which was writ last, had added the Time of the Decease of some of the Masters, as they copied out what was said of their Elections.

AND thus I have done both with *Dr. Ayliffe's* good Advice, and with his many Errors and Falshoods; and think it will become him, if he have any Regard to his own Reputation, to use some proper Methods to satisfy the World, that tho' he has been the Propagator of several Lyes and Mistakes; yet he was not the Inventor of them, by letting us know from whose unfaithful Hands he received them.

AND having thus, as I suppose, shewn that there is not so much as a plausible Foundation, to pretend that the Vice-Chancellor, Doctors, and Proctors, are the true Visitors of the COLLEGE; and that the first Precedent that can be alledged of any such Power, was never challenged before the Year 1666; and

happened a Contest amongst the Fellows of this COLLEGE, about the Choice of a Head, whom they call Master, which was referred to the Visitors. By Visitors, it is likely, that Dr. Ayliffe, or his Informer, meant the Vice-Chancellor, &c. But whoever was meant, the Matter is as False as all the other Forgeries, for there was no such falling out amongst the Fellows about any such Election that Year, or near it; for George Ellison was jointly elected by all the Fellows, save his own Vote for another Fellow in the Year 1551; and upon his Death, the next Master that was elected, was Mr. Anthony Salvaine, of which our Register gives this Account, 21^o. Die Junii A^o. Dⁿⁱ 1557, convenerunt omnes Socii capitulariter & elegerunt ac pro electo declaraverunt Antonium Salvaine, sacre Theologie Baccalaureum in officium Magistratus hujus Collegii & presentaverunt eundem Domino Commissario Universitatis qui debite eum admiserat in Magistrum Collegii juramento ei prius coram sociis administrato, viz. quod Statuta se & suum Officium tangentia observet & cætera quæ in eodem Statuto sunt contenta, quod quidem Officium post annum integrum & quatuor Menses idem Antonius per liberam resignationem secundum formam juris factam dimisit. That is to be noted, that this is a different Master from his Name-fake Richard Salvaine, who resigned his Mastership in the Year 1551.

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Wijton that Power both denyed by some of the Fellows at that Time, and openly declared against by all, or most of the Fellows afterwards; and even that both Dr. *Charlet*, and those stated Delegates seem to own, they were all Mistaken, by their Judgment, in restoring Mr. *Berty* to his Fellowship; and declaring, that they supposed, that the Decree passed in the Year 1666, was rather intended as an Explication, or Interpretation of a former Statute, than of a Visitatorial Act in making a new Statute (the like of which was never pretended to before). I say after all this, it may be enquired how it came to pass, that all the Fellows in the COLLEGE should seem to agree with the Master in forming a new Statute against themselves in the Year 1711. And how Mr. *Denison* should use the like Arguments, that the stated Delegates were the true Visitors in the Defence of his Right of Election, when pleaded before those Persons, to whom his late Majesty referred the Hearing of Mr. *Cockman's* Petition for Relief, as the true Visitors of the COLLEGE, by Succession from K. *Alfred* the true Founder of it; and neither of these two Candidates flying to the *Convocation*, in whom lay the true Right of Determining that Cause, as I hope I have in Part satisfied my Readers already, and shall speak further of it hereafter.

As to the first Enquiry, I think these two
Answers

Answers may be given to it; First, the Willingness that the whole COLLEGE, Master, and Fellows were in, to get quit of such a bad Member, as at that Time they reputed Mr. *Allen* to have been, and if they had laid *Imprudence* to him, I think no Man was a better Witness of it than my self, in an Action which I think no Master, except such a one as Dr. *Charlet*, would have passed by, without calling him to a strict Account for it; and then as to his Morality, I know nothing to charge him with; but it seems afterwards, that both the Master and Fellows were highly provoked, by abusing them either by false or true Stories, reported of them, against the Express Provision of the Statutes, made A^o. 1292, Numb. 16, in these Words,

ITEM nullus Socius alium Socium vilipendat, sed honeste & discrete delinquentem corrigat vel corripiat sub pœna duodecim denariorum Communi bursa solvindorum; nec coram aliquo non Socio illius Collegii sub pœna duorum solidorum; nec publice in via vel Ecclesia sub pœna dimidiæ Marcæ.

It is to be noted, that every of the Penalties were each of them of ten Times the Value, of what the like Sums would amount to in this Age of ours; there was likewise, as I am informed, another Reason that made his present harsh Removal seem more necessary to them at that Time, that his Benefice was but
an

an indifferent one, and that if they did not make Use of the Statute quoted by them, it was possible he might return again to the COLLEGE, and the Society never get quit of him.

A 2d Reason might be this, that the Master might promise the Fellows that he would never make use of that Statute against any of the Members, as long as he lived, and tho' the Master might intend to be as good as his Word, yet by getting such a Statute made, he might cut off all the Hopes of appealing to the *Convocation* in any Difference that might hereafter happen betwixt him and the Fellows, upon any other Occasion; and this I gather from his giving Way to such an undue Representation as Dr. *Ayliffe* made of it, reading a *whole Year* in lieu of *Six-Months* only, and being now a 2d Time upon that very same Business, I will give you the true Words which I only quoted in general before, out of the *Reformatio Legum Ecclesiasticarum*, that Book I believe not being very common, pag. 8 114. *de Academicis, cap. 5.*

IN Academicis & Collegiis non remaneant qui Sacerdotia sunt affecuti quibus animarum cura conjuncta est, cum ad pascendum gregem sibi commissum præsentia requiratur. Quia tamen primitiæ ab eis solvendæ sunt, primi anni respectu cum fuerint Socii Collegiorum, inde tantum emolumentum accipiant, quantum eis daretur ad anni totius

*totius impensas sustentandas, si Collegiis adessent. a
 Qui vero præbendas nacti fuerint absq; cura ani-
 marum, si primitias cogantur solvere, primo an-
 no impensis Collegii sui vivere poterunt, deinde
 suis Ecclesiis inservire cogantur, nisi fortasse ab
 Episcopo & capitulo suo potestatem impetrave-
 rint Commorandi ad aliquod tempus in Academia,
 ut in capitibus de admittendis ad Ecclesiastica
 beneficia & de præbendariis antea cautum est;
 quo tempore suis ipsorum vivent impensis, neque
 a Collegiis impensa accipient, cum illis aliunde
 prospectum est.*

WHICH Chapter, tho' it have not the Force
 of a Law of the Realm, may be a fit and a
 wise Rule for all COLLEGES to follow, if
 not contradicted by their Statutes, and where
 they are so forbidden, it seems but reasonable
 that their Visitors, where such a Power is
 lodged, should not be very unwilling, or scru-
 pulous, to grant them a general Dispensation,
 to give them a longer Time of Grace, even to
 an whole Year; as here, at least, by wise and
 learned Men, for the Reasons above alledged,
 is thought convenient, if not absolutely neces-
 sary: It is here likewise provided, that such
 Fellows as have obtained Benefices, should be
 allowed absence from their COLLEGES du-
 ring one whole Year; and from hence it ap-
 pears, that after a Year, be the Benefice great
 or little, it must be with the Society's Con-
 sent,

sent, and Leave that they are absent; which makes it seem to me to have been a very indiscreet Act in Mr. *Boraston*, who has been possessed of a Benefice in *Kent* (as I take it) for Twenty Years or more, to intermeddle in so bad a Cause as he has done, let the Issue be what it will, who lies liable to be deprived of the greatest Profit, at least of his Living, by being denied Leave of Absence by the Major Part of the Society, which if not granted, forfeits his Fellowship for one Term, being absent without particular License, except Sickness, or such unforeseen Accidents, hinder his Return to the COLLEGE; the like it seems may be said of some others embarked in the same Cause.

I think I have now dispatch'd most of those Matters that relate to Dr. *Charlet*, whilst he was living, and now it comes in course for me to speak of several other Things that happened after his Decease, which I think was Dec. 18, A^o. 1722. And concerning what I have writ already, most of it falls within my own knowledge, whilst I was yet Resident in the COLLEGE, or borrowed out of several Evidences lodged in our Treasury, or to be met with in the Archives of the UNIVERSITY, in old Records, or in Mr. *Twine's* M. S. S. But now for what follows, I have no other Vouchers than common Report or some private Letters, which being most of them from those that were
Parties

Parties in the Cause, and therefore are not to be relied upon as undoubted Evidences on their own Side.

AND first, I shall say something of what followed next after the late Master's Death; and the first News I had of it, was from Mr. *J. Browne*, dated the next Day after he died, *viz.* the 19th of *November*. In that Letter after some other Business, foreign to this Matter, he acquaints me, that the Master died without a Will, and that when his Debts were paid it was thought there would be nothing remaining, after which he goes on as follows.

I have been told, and by the Master himself, how much you was his Friend, in bringing him into our Society. I wish you would recommend to us a second Time, that might put an End to some Disputes that are likely to arise in the succeeding Election of a Master, by the warm and furious Proceedings of some of our Brethren. I look upon you to be a true Friend to the COLLEGE, the Interest of which, no Man, I am confident, better understands, and therefore I conclude you will excuse me, tho' I trouble you with the State and Condition we at present are in. There are but ten actual Fellows, two being elected a Fortnight ago. Mr. Denison has been a Candidate many Years, and is now secure of four Votes, besides his own; the other five Fellows (among whom is Mr. Boraston, Senior Socius,)

Socius,) are inclined to serve Mr. Thomas Cockman; But as far as I can understand, he has not yet sollicitated the Vote of any of the Fellows.

The Questions I would ask are these, 1st, Whether Mr. Denison may be allowed to vote for himself, and if he may be allowed so to do, then there are but five Votes for him; And 2^{dly} when there are five Votes of his Side, and five Votes on Mr. Cockman's Side, whether the Senior Socius shall have the casting Vote? or, Whether it shall devolve to our Visitors? If you will communicate your Opinion freely in this Case, and likewise inform us, Whether in your Days, the Master was allowed to have a casting Vote? I will promise to conceal your Name, and make no other use of your Intelligence, but the Benefit of UNIVERSITY COLLEGE, which is the only End of these Enquiries, from

On Wednesday Morning a Citation will be published, and the Election will not be 'till 14 Days after, so that your Answer may be here Time enough to be of singular Use to the Publick.

Your obliged, and

most humble Servant,

J. Browne.

Un. College, Nov. 19. 1722.

I very seldom use to cause any Copies to be made of my own Letters; but it happened that I could not write very well for the Gout, and sent my Answer to the foregoing Letter,
in

in a Transcript, under the Hand of my Ne-Niece
ies.

[After an Answer to other Matters contained
in his Letter, the rest was as follows].

REV D. SIR,

YOU write that you believe the Master left
no Will behind him, if so, he will have no need
of an Executor, but an Administrator only; but
I am apt to think some old one is still remaining;
For as we elected him chiefly in Hopes of being
a Benefactor, so he always said that all the
Books in his Study should go to the COLLEGE
Library, that were not already lodged in it. Mr.
Boraston, (with 2 others, all Junior Fellows)
were the chief Men that brought him in (Master)
by promising his Vote more absolutely, than I
think, at least as it after happened, a true Lo-
ver of the COLLEGE should have done; by
which we lost the Favour of Mr. Hinckly, who
if he had been chosen (to the Place) would have
made good (and more than) what the other pro-
mised. Our Expectancy from the then Mr. Char-
let, lay in the Hopes of an Estate from a rich
Uncle, his Mother's Brother, a Scrivener in Lon-
don, who had then given him and another Person a
thousand Pounds each, with 500 l. of which the
Master bought the next Presentation of Hamel-
den; But both of them rather spending than im-
proving, what he (their Uncle) gave them in
his Life Time, he bequeathed the Bulk of his
Estate

Estate to the Children of a Niece (as I have heard) whom he thought would make more Improvement of it.

As to the two Candidates you now mention, they were both ingenious Men, and good Scholars, and might deserve better Preferment, than that Headship amounts to; But what has been their Demeanour since, you must needs know better than I do; and there must have been great Oversight in Mr. Denison's Carriage, in Reference to the Rest of the COLLEGE that gives him but four Voices, besides his own out of that Society, and therefore upon such a Supposition of a disobliging Behaviour amongst you; it is no wonder, if more be inclined rather to Mr. Cockman, than him. I have no Diskindness to this Gentleman, but wish him Preferment equal to his Deserts, and then, I am confident, it would be very good. But yet I have too great a Love to the COLLEGE, and Regard to the Founders Statutes, that I cannot but offer these Things to your Consideration. As first, what Preferment he has, or is like to have, to support the Dignity of that Headship? 2dly, Whether he be not married, or has Children? for both these, one Way or other, are Inconveniencies in a COLLEGE; and those so great, that before we elected Dr. Charlet, as you will find, if you consult the Register, we resolved to oblige him to promise, that if he married, he would quit the Office within the Compass of a Year after it. And tho' we afterwards

wards dispensed with him for that Promise, yet it was because we thought it might be an Obstruction to his Uncle's Favour towards him: Thus much as to the Quality, which we then thought fit to be expected in a Governour of a COLLEGE. For certainly they were never by the Founders any more designed to be married Men, than the Fellows were; and therefore the same Act of Parliament that gave a^l Clergymen Licence to marry, gave that Liberty to Fellows, as well as Masters and Provosts, &c. as we now see it is in Winchester and Eaton Colleges, and is still remaining in our own, who are no otherwise prohibited to be married than the Head is; And tho' in some COLLEGES the Fellows are prohibited to hold their Fellowships above half a Year, it was only in such Places, where all the Fellows were not required to be in Orders, and therefore COLLEGES founded since that Act, except Pembroke College, (whose Principal, when it was converted from a HALL, viz. Broad-Gate-Hall, into Pembroke College, he being married,) was the Reason why that Master was not prohibited also.

Now next to the Qualities required in a good Governour, the Place where they are born is regulated in our Statutes, by (our several) Founders, that gave Fellowships to UNIVERSITY COLLEGE, who (as to William of Durham's) are to be *Cæteris paribus proxime Dunelmiam oriundi*, he intended his Benefaction to extend

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wards dispensed with him for that Promise, yet it was because we thought it might be an Obstruction to his Uncle's Favour towards him: Thus much as to the Quality, which we then thought fit to be expected in a Governour of a COLLEGE. For certainly they were never by the Founders any more designed to be married Men, than the Fellows were; and therefore the same Act of Parliament that gave a^l Clergymen Licence to marry, gave that Liberty to Fellows, as well as Masters and Provosts, &c. as we now see it is in Winchester and Eaton Colleges, and is still remaining in our own, who are no otherwise prohibited to be married than the Head is; And tho' in some COLLEGES the Fellows are prohibited to hold their Fellowships above half a Year, it was only in such Places, where all the Fellows were not required to be in Orders, and therefore COLLEGES founded since that Act, except Pembroke College, (whose Principal, when it was converted from a HALL, viz. Broad-Gate-Hall, into Pembroke College, he being married,) was the Reason why that Master was not prohibited also.

Now next to the Qualities required in a good Governour, the Place where they are born is regulated in our Statutes, by (our several) Founders, that gave Fellowships to UNIVERSITY COLLEGE, who (as to William of Durham's) are to be *Cæteris paribus proxime Dunelmiam oriundi*, he intended his Benefaction to extend

to 10, 11, or 12 or more Masters, that could not otherwise honourably maintain themselves in that Station: And there were at first, in Edward the 2d's Time seven Fellows, by Name, and three of them were that Year removed from thence to Queen's College, viz. the Provost and the 2d and 4th Fellows mentioned by Mr. Wood, Hist. Oxon, pt. 2da, p. 114. the last of which was afterwards Chancellor of the UNIVERSITY, as Mr. Wood tells you; but had not seen or at least understood the (Charter or) Paper in our Treasury, whence I borrowed this Information, referring to a Law Suit only. This was A^o. 1340, but afterwards by Degrees the Rents of the Houses the COLLEGE had in Oxford, by the Decay of the Number of Scholars, and frequent Plagues in that King's Time, fell to less than a quarter of their former Value, and therefore let to Oriall, All-Souls, Lincoln and Brazen-nose, (COLLEGES) at small Quit-Rents, that there at least remained only four Fellows of the Founder's Foundation, two of which were annexed to the Headship, and (other) two remain under the Title of Socii Fundatoris, in distinction to other 2 of Walter Skirlaw's, and 3 of Hen. Percy's. Upon this Account, without a Dispensation, none but the eight Northern Fellows, were thought capable of being chosen, without Wrong to our Country; [All these 8 Fellowships being confined to the Province of York, if any fit Persons can be found there,] And therefore when Mr. Benet was

was chose, upon the Account of having the greatest Benefice in all England, yet we did it not without a Dispensation, as will appear upon the Register; And tho' in former Times the Chancellor, Doctors, and Proctors, had granted such Dispensations without the Society's desiring it of them, and wording these Licences in very dishonourable Words to the COLLEGE also, to promote the Election of Dr. Abbot, Dr. Bancroft, and Dr. Walker, yet we altered the Form, as you will find for Mr. Benet and Dr. Charlet; and if they had sent us any such Licences of their own Accord, would have rejected them, and took no Notice of them; Nay further, if some of the Fellows had took Notice of them, and chosen either a Foreigner, or South-Country-man, we, of the North, would have protested against such Election, and appealed to the Convocation, who are the COLLEGE'S true and ultimate Visitors; the other being only a standing Delegation for some particular Circumstances, and not empowered to make Statutes, though they may interpret them, and dispence with them in some reasonable Cases; but not where the Founder's Will, or intent, should be openly violated; And this forced the Master to re-estate Mr. Bertie, when he had declared him no Fellow, upon a Decree or Statute made in the Year 1666; by the delegated Visitors, without the Approbation or Authority of the UNIVERSITY it self for their so doing.

And this in Probability is the Foundation of Mr. Denison's Pretensions, tho' not so much favoured by the major Part of the Society, who may be ignorant of it, and may think, having been Poëtor of the UNIVERSITY, that his Interest with the present Visitors would make them deny such a License if desired, or null any Election of a Southern Man made without it. (Thus far in my Cousin's Hand) I shall only add in my own lame Hand, that I am a cordial Friend and Well-wisher to both your Candidates, and heartily sorry that their Interests should interfere, and a Division be made in the Society thereupon, when such Schisms are long a repairing, and the Common Good can scarce ever be carried on by dissenting Parties; and Unity being the properest, if not the only Means of making any Corporation flourishing and happy, which are, and shall always be, my Wishes for every Member of that Society, to whom my best Respects, and I remain,

Rev'd. SIR,

Your affectionate Friend,

Nov. 26. 1722.

and Servant,

William Smith.

By the foregoing Letter, it is plain, that Mr. Cockman was, or might have been informed,
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ed, that he was not statutably capable of being chosen Master, without a Dispensation; and likewise, that it was not probable for him to procure one: And on the other Side, it is Evident, that Mr. *Denison* had known or considered nothing of this Objection, 'till several Days after the Election was over; for in the 1st Edition of his Case, it is not in the least mentioned; but after, when he had received Notice of it from my Hand, in the 2d Edition it is much insisted on, and pressed home, as much as possible, for the Benefit of the one, but disadvantage of the other: To which Account I refer my self, as to what was done at *Oxford*, and how the Cause, by Petition, was carried before the King's Commissioners.

I shall only at present take Notice of these two Things: 1st, That Mr. *Cockman's* Party being resolved to stick at no Means to carry their Point, which was rather to put by Mr. *Denison*, than out of particular Favour to Mr. *Cockman*, who had for several Years been removed from the COLLEGE, and as by Mr. *Brown's* Letter, was of himself no Solicitor for it; either they themselves, or Mr. *Cockman* by their Advice, got an Advocate from *London*, to be ready at the Election, to plead his Cause for him; which it's likely Mr. *Denison* was not aware of, and therefore, tho' an Appellant had not provided himself of a like knowing or experienced Advocate, expecting

nothing more, but that the Election being to be a Canonical one, could never be finished, as such an Election required, 'till there were a Majority of Voices on the one Side or the other.

BUT we must take Notice also, as is set out in their Case by Mr. *Denison's* Party, that when it came before the proper delegated Visitors, who had three Days to approve or reprobate any Person canonically elected, which could not be done in this Case, upon the Account of their personal Qualities for Learning or good Manners; and therefore the Election was to be enquired into, and not the Fitness or Unfitness of the Person pretended to be elected: The Hearing of the Cause was put off, beyond the three Days limited for approving or disapproving the Person elected. And therefore the enquiring into the Validity of the Election, was quite another Business, and became quite another Dispute; and the Vice-Chancellor, Doctors, and Proctors, looking upon themselves as lawful and perfect Visitors, as Dr. *Charlet* had lately taught them to stile themselves, they thought themselves not obliged to be ruled by any Statute they might make or unmake at their Pleasure: But this of making Statutes, was a Piece of false Doctrine, which has all along proved very prejudicial to Mr. *Denison* in giving Ear to it, to the great Damage, if not loss of his Cause. And I am
apt

apt to think, that Mr. *Cockman's* Party having had, or made themselves great Friends, and left no Stone unturned to baffle Mr. *Denison's* Hopes; had resolved before Hand, upon receiving my Letter, to try all Methods, just or unjust, and if other Means would not take Place, by one way or other to wrest it out of the UNIVERSITY's Hand; and Mr. *Denison* offered them a Handle to do so, by his setting up one Sort of the Visitors, when the opposite Party discovered another, and then deny both, that they might have a better Occasion and Pretence to bring all into the Hands of his Majesty only, and from the King to his Commissioners to examine what was fit for his Majesty to do upon this Petition; which Commissioners the King's Attorney and Solicitor General, after a great Number of Hearings, and a vast Expence on both Sides, came at last, on the 12th of *October*, 1724, to this Resolution following, (after the Cause and Proceedings had, by Agreement, been represented to them on both Sides) viz.

AFTER Consideration of the several Matters above-mentioned, we beg Leave humbly to certify your Majesty, that the Law is agreeable to what your Petitioners insist upon, viz. that if UNIVERSITY COLLEGE was founded and endowed by King Alfred, or any other of your Majesty's Royal Predecessors, altho' afterwards

terwards greatly increased both in it's Revenue, and Number of Fellows, by any other Benefactors, yet the Right of visiting the COLLEGE would be vested in your Majesty; But we must observe to your Majesty, that the Matters of Fact, whereupon this Point of Law depends, which is, Whether the COLLEGE now subsisting, was founded and endowed by King Altred, or any other of your Royal Predecessors, seems doubtful, for there is no positive Proof of any such Foundation or Endowment, or so much as any Benefaction to the COLLEGE, by any King or Queen of this Realm, 'till King Henry the 4th established the Fellows called Skirlaw's Fellows, and granted the COLLEGE an Estate for the Support of them in particular, which was long after the Foundation of the COLLEGE.

As to the circumstantial Evidence, arising from ancient Deeds and Entries in the Books and other Acts of the COLLEGE, it is various and inconsistent.

There are many Instances both ancient and modern, wherein the COLLEGE have claimed to be a Royal Foundation, and some wherein the Crown has insisted upon the same Thing, particularly in very strong Terms in the Answers to the Petitions in the Time of King Rich. the 2d.

On the other Side, there are likewise a great many Instances in all Times, wherein the COLLEGE admits William of Durham to be their
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Founder, and what adds Weight to this, and seems to weaken the Evidence for the Right of the Crown is, that there are not any particular Fellowships, which appear to be of Royal Foundation, no Statutes given them by the Crown, nor any Instance of a Visitation, by Virtue of Authority derived from the Crown, which Objection is of the greater Weight; because it appears, that there have been such frequent Occasions for the Interposition of a Visitor, in this Society.

The Proceedings in the Time of K. Rich. the 2d, are of the greatest Strength to maintain the Claim of the Crown; But we must observe to your Majesty, that the Answer to the first Petition, in which it is alledged that it was proved in Parliament, that the COLLEGE was of Royal Foundation, is not upon Record, but only enter'd upon an ancient Roll found in the COLLEGE Treasury.

On the other Side, many Instances are produced of the Exercise of a Visitatorial Power, by the Vice-Chancellor, Doctors, and Proctors, or some other Members of the UNIVERSITY, without Opposition; But the Want of Uniformity in the Persons, who have from Time to Time exercised this Power, greatly weakens the Proof, which is inferred from those Instances, in Support of the Right of visiting now set up.

Upon the whole Matter, as this is a Question of Great Consequence, which concerns as well
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the Right of your Majesty, as the Privileges of this COLLEGE, and of a considerable Body in the UNIVERSITY, and as there appears no Instance of the Exercise of this Power by the Crown, we are humbly of Opinion, that it is not advisable for your Majesty to interpose as Visitor, until a legal Determination shall have been made, against the Right of Visitation now claimed in some Proceeding in Law, and such Determination, we apprehend, the Petitioners may obtain, by applying to one of your Majesty's Courts at Westminster, for a Prohibition to stay the Proceedings of the Vice-Chancellor, Doctors in Divinity, and Proctors, in the Exercise of the Jurisdiction of Visitors, concerning Mr. Cockman's Election, and annul what they have already done there, or by some other legal Method, as your Petitioners shall be advised,

All which is most humbly submitted to your Majesty's Royal Wisdom.

Oct. 12. 1724.

P. York.

C. Weerge.

HAD it not been for the searching for Mr. Brown's Letter, towards the End of this Discourse, I had not Occasion to inspect this admirable and excellent Advice, full of Truth, Justice, and Equity, given to his Majesty by his two Commissioners; concerning which, I shall

shall beg leave to make these six following Remarks. 1st, That the Cause, as has been often observed before, was very ill-managed by Mr. *Denison's* Side, who founded their Plea upon a very great Falshood. 2dly, That the adverse Party presently took advantage of it. 3dly, That alone seems to have been the Cause why the Proof of Mr. *Denison's* Side appeared to the Commissioners insufficient: And 4thly, Because there appeared but weak Proof that the COLLEGE had any Fellows supported by K. *Alfred's* Munificence; they could find no Cause to declare to his Majesty that he had any Right to visit as Successor to K. *Alfred*, since none of his Predecessors had ever actually given UNIVERSITY COLLEGE any Statutes, nor visited the same by themselves, or any commissioned from the Crown. 5thly, That this Declaration of their Judgment, that there was no Statutes ever made by the Kings of *England*, implies, there was little or no Credit given to *Rich. Witton's* Assise, so much insisted on, as is said, in the late Trial at *Westminster-Hall*. 6thly, That in this whole Account, there is no particular Mention of the UNIVERSITY, or *Convocation* in general, laying any direct Claim to be Visitors; tho' it could not but appear to such wise Counsellors, who have expressed themselves so cautiously, that the Right to the Visitatorial Power, seems not intended to be made Part of the Question

on at a Trial at Law, but of the Right of the Vice-Chancellor, Doctors, and Proctors only; and therefore are called in this Advice, only a considerable Body in the UNIVERSITY, but not the whole UNIVERSITY.

IT now seems Time for me, before I pass on any further upon this Subject, to take Notice of one Thing more, that tho' it was intended in Mr. *Denison's* Favour, yet turned mightily to his Disadvantage. 1st. That there was a great Division amongst the Doctors, half or more, if we may believe common Fame, some taking one Part, and some the other, that there was or was not a good Election of Mr. *Cockman*: And further, that those that declared for a good Election made of Mr. *Denison* afterwards, at a new Day appointed for that Purpose; the other Party not appearing at it, the Vice-Chancellor, and his Party, sent an Order to the dissenting Fellows, in very harsh Terms, and under great Penalties, which in a manner compelled the other Party to pursue that intended Petition of Appeal. Which I here insert, to shew how the stated Delegates, having an *Inch* of Power given by *Convocation*, were willing to Usurp the whole *Ell*, if nothing intervened to put a Stop to it: The Order I have mentioned was sent to all the Fellows, in the Words following, according to the Copy, communicated to me, from one of Mr. *Denison's* Friends from *Oxford*.

To

To Mr. Boraston, Mr. Lindsey, Mr. Nevile, Mr. Ward, Mr. Browne, Mr. Rogers, Mr. Cockerell, Mr. Tailor, Mr. Eden, Fellows of University College in Oxford, and all other Persons whom it may concern.

WHEREAS the Rev. Mr. Wm. Denison was on the 17th Day of December last past, duely elected Master of the said COLLEGE; which Election was afterwards confirmed by us, and the said Mr. Denison hath been since admitted to the said Mastership. Now we the Vice-Chancellor, Doctors of Divinity, and Proctors of the UNIVERSITY of Oxford, the true, lawful, and undoubted Visitors of the said COLLEGE: Do hereby Require and Direct, that you the Fellows of the said COLLEGE, and more particularly you Mr. Nevile, and you Mr. Tailor, do forthwith deliver, to the said Mr. Denison, Possession of the House and Lodgings belonging to the Master of the said COLLEGE: And that you the said Fellows, and particularly you Mr. Boraston, do deliver to the said Mr. Denison, the Key of the COLLEGE Treasury, and that of the Chest, wherein the COLLEGE Seal is kept; together with such other Keys belonging to the COLLEGE, as have usually been in the Custody of the Master: And

And you the Bursar, do from Time to Time account for, and pay to the said Mr. Denison, all such Revenues, Perquisites, and Sums of Money, as do belong to the Master of the said COLLEGE. And that you, and every of you, and all others the Members of the said COLLEGE, do obey the said Mr. Denison as Master thereof, upon the Penalty of being suspended from the Profits of your respective Fellowships, Offices, and Places in the said COLLEGE: And certify to us your Obedience and Submission hereto, under the Hand of Mr. Denison, the said Master, at our Meeting the 7th Day of March next. And if after the Expiration of that Time, you, or any of you shall continue in your Contumacy and Disobedience, 'till Thursday the 14th Day of the said Month: We do hereby Decree, that you, or any of you respectively, so disobeying, shall be utterly expelled and removed from your respective Fellowships, Offices, and Places in the COLLEGE aforesaid. And we do further Decree, that these our Orders shall be forthwith published, by Mr. Denison, the said Master, to the Fellows, Scholars, Commoners, and all other Persons of the said COLLEGE, at a Meeting in the College Hall, to be specially appointed by the said Master for that Purpose: And that after such Publication, the Mandatory by us appointed in this Behalf, shall further Publish the same, by fixing this Original on the Chapel-Door of the said COLLEGE, for the Space of an Hour, and

and then by leaving there a true Copy of the same. Given under our Hands this 25th Day of February, A. D. 1722.

Robt. Shippen, *Vice-Chancellor.*

W. Delaune, S. T. P.

Jo. Brabourne, S. T. P.

Tho. Haywood, S. T. P.

Jo. Mather, S. T. P.

Math. Hole, S. T. P.

Jof. Hunt, S. T. P.

R. Newton, S. T. P.

Ja. Mertin, *jun. p' curat' Deput'*

I here mention this Decree as the third false Step which Mr. *Denison* and his Party made, in carrying on their Cause; their first being the great Oversight they made in not consulting the Register, how Mr. *Benet*, the first *Benet* Fellow that was ever chosen Master came into his Place: The 2d, that Mr. *Denison* himself being one of the Fellows that subscribed the Petition made to these stated Delegates, to know whether they claimed a Power of making Statutes, or only of interpreting them in Mr. *Berty's* Case, 1701; he took no Notice that they disclaimed the first, and only challenged the Latter. The 3d was in addressing to them, or at least owning them in publishing this Decree, as the true, lawful, and undoubted Visitors of the COLLEGE; which he could not but have heard was denyed by
all,

all, or most of the Fellows, even from his coming to the COLLEGE. 4thly, That this harsh Decree was made some Time after the opposite Party had petitioned the King to take the Cause into his own Hands, as their only, true, and proper Visitor. A 5th Oversight in him, or his Counsel, supposing they were not barred the Use of their legal Power by the other Parties appeal to his Majesty; yet they should have kept themselves within the Limits of their true Power, and been guided in their Proceedings, according to the Directions of the Statutes; one of which runs in these Words, Statutes of A^o. 1311, just preceeding the Statute that gives the Delegates a Power of interpreting and dispensing with the Statutes, Numb. 13^o. *Item ordinarunt præfati quod si aliquem a præfata Domo vel Officio in illa propter aliquod sinistrum amoveri contingat cognoscendi de causa summarie & amovendi culpabilem dicti Cancellarius & Doctores una cum procuratoribus omnem habeant potestatem.* But by the Decree afore-mentioned, here is nothing of all this observed, but Acts to be done, under the Penalty of Expulsion; and Persons questioned and condemned, without any just Examination, or summary Hearing what Reasons or Excuses the Persons condemned might have for not observing these Decrees in every Part of them, before they were displaced for their Non-compliance with them: This is a Sort of despotic

despotic Power, hardly practised by any Court or Persons whatsoever. *Lastly*, That he pleaded his Cause upon the Authority of these stated Delegates, as the proper and ultimate Visitors of the UNIVERSITY, and could not be beat from it all the Time the Cause was argued before the then Attorney General Sir Geo. Raymond. Whereas if he had set forth, that the Chancellor, Doctors, and Proctors were impowered by the *Convocation*, in some Cases, to act under them; but that the superior Visitors, were the Body of the UNIVERSITY it self, the Cause would never have hung upon the Hedges so long as it did, and never have come to such an *Exit* as it had in *Westminster Hall*; and as I think, even there it was lost by their own bad Management, as I hope will be the Opinion of all, or most that shall read this present Treatise; in which there is hardly any Thing contained, but what I had formerly acquainted that Party with, if they had had the Care and Discretion to have made good Use of it; but they were at a Loss, and had forgotten some of these Momentous Arguments, when it was too late to retrieve a timely Use of them

I should have concluded this Discourse with the foregoing Report made by his late Majesty's Commissioners A^o. 1724, but that some Things of Moment happened afterward, partly relating to my own, and partly to other Persons Reputations,

putations, occasioned by the Vindication of the Doctors and Proctors Proceedings in this Cause, published about five Years ago; but not perused by me again, 'till the Night before I am now Writing my own Apology, for what it seems has been charged upon me, by one of the Members of our own Society. As to the *Vindication* of the *Proceedings* there mentioned, I cannot but own it is ingeniously drawn up, and it might have well been expected to have met with a kinder Reception than I am informed it did by the greatest Part of the UNIVERSITY, for what Reason I know not; for had I been a Stranger to the Case, I should have thought it unanswerable, but being better acquainted with the Cause than most others are, I could not entertain the same Opinion of it, that I thought others would: For there appeared to me to be a great Deal of needless Pains taken to prove, that the main Statute the Cause turned upon, did no way relate to the Choice of a new Master, but only to the Choice of a new Fellow; but this might be easily answered, by constant Custom, ever since there was any such Election that we know of. And it seems but reasonable, that there should be the like Approbation of a Master, as there was of a Fellow, as being a Matter of far greater Moment than the other; neither was there any Necessity of making such an Excuse, the Delegates having otherwise

wise sufficient Reasons to defend their own Proceedings, had all other Matters alledged in the Vindication been true and unquestionable; but it fails, and is untrue in very many Things alledged in it. As first, that there was never any *Deputation* of Visitors, since the making the Statutes of 1311. Now this is false in many Instances, for did not the *Convocation* it self act as Visitors in approving the Statutes of Bishop *Skirlaw*, made by King *Henry* the 4th's Order? Did not the *Convocation* receive three several Appeals, one made by the Fellows against Chancellor *Cox*, and Mr. *Kay*? Another Appeal by *Kay* against *Ellison*; a third from *Kay* against the Fellows, in behalf of *Richard Salvaine*; and one, the greatest of all, in an Appeal against the Vice-Chancellor, Doctors, and Proctors, made to *Convocation* by the Fellows, for approving the Election of Mr. *Tho. Thornton*, to be Master in the Year 1654; and after much Consideration, that Appeal was received by *Convocation*, and twenty six Delegates appointed to hear and determine it (the Vice-Chancellor, and Doctors, and Proctors, that had approved it, being left out in that Deputation).

THE next Thing that I observe, is the Mistake in quoting *Skirlaw's* Statutes, and *Percy's*, that the Doctors, and Proctors were the COLLEGE Visitors: Some Thing of this may seem to be inferred from *Percy's* Statutes, not made

'till the Year 1443 ; but by no Means from *Skirlaw's*, which he got approved by *Convocation* ; for in the Body of his Statutes, his Words are these, *Ordinamus quod Visitatores alias ad visitandum dictum Collegium Deputati inter alia quæ in sua Visitatione occurrant, hanc nostram Ordinationem publice legi facient & Deum habentes præ oculis videant & procurent quod omnia præmissa in forma præscripta plenarie compleantur.* Now it is plain by *Visitors*, he could mean no others but the *Convocation* it self, or *Delegates* appointed on purpose by them ; otherwise, if he thought the *Doctors* and *Proctors* were the true and proper *Visitors*, the *Bishop* would have applied to them, and not to the *Chancellor* and *Cætus Magistrorum*, to have his Statutes confirmed by them.

THE Excuse made for their deferring their Judgment, not about the Qualities of the Person elected, but about the Question, Whether there was any Election or no ? seems very reasonable, and so is their Resolution, about the Nature of a Canonical Election, well worth the Reading of the Curious, and therefore I shall say nothing more about it, save this, That a Canonical Election has been so interpreted this very Year at *Cambridge*, upon the Election of a new Master of *St. John's College*, where the *Publick News* tells us, there were five Candidates, none of which being able to get a Majority of Votes of all
that

that had Suffrages, there was a Devolution to the eight Senior Fellows, and if a Majority of them could not concur in one of the Candidates, the Election would have devolved further to the Bishop of *Ely*; but five of the eight agreeing on one Person, the Election was concluded without going any further. I think it may be observed of these, that now deny the Doctors, and Proctors, and UNIVERSITY also, to be their Visitors, that in the Year 1711, they so far owned them to be their Visitors, as to yield to their making new Decrees or Statutes for them, in the Year aforesaid; that they now deserve to suffer those Penalties then laid upon another; provided their innocent Successors could find the right Means to avoid them. I must also take further Notice, that the first Note in Page the 5th, of their Case, is by no Means truly related; but as I have afore observed, out of Mr. *Twine's Apologia*, (according to the Custom of many Writers, to serve a Turn) 'tis very much distorted; for first *Hamsterly's* Election was but conditional, he being a Foreigner, and not capable of being elected without a Dispensation, and was never regularly admitted; but the Delegates over-ruled, by the Interposition of his Friend Archbishop *Warram*, his old Acquaintance, and then Chancellor of the UNIVERSITY; But what is said of *Hutchinson*, and all his Successors,

does

does indisputably prove the Custom of the Statute in Question, being always constantly observed.

The *Postscript* of this *Vindication* came originally from my Hands, but by no Means in my Expressions, for I should never have pretended that Mr. Cockman was not *de Gremio & Comitiva Collegii*, tho' I indeed thought that that did not qualifie him to be chosen Head of the COLLEGE, by Reason his Foundation was not in being, when the Statute for the Election of a Master was made, A^o. 1475, And therefore when the first Choice of a *Benet* Fellow was to be made, the COLLEGE procured a Dispensation for their so doing, as will appear bye and bye; For I am informed, that assoon as this *Postscript* was published, and seemed to question Mr. Cockman's Freehold, his Party set their Heads to provide an Answer to it, and none was so proper, as to raise a Lye upon my self, to take off the Validity of the Objection, and the Junior of all the Fellows, then in being, was to be their Spokesman, or Affidavit-maker, and therefore it was presently reported, that the Dispensation for chusing whom the COLLEGE at that Time thought fittest, was chiefly procured by my self, in order to get a Friend of mine, of another COLLEGE, put in a Capacity to be elected Master.

Now I protest, before GOD, that there is
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not one Syllable of all this in the least true, for I had no such Friend that I had any the least Thought of, and I believed the Report of its coming from Mr. *Boraston* to have been so false a Forgery, that it seem'd to me to be impossible ever to have come from his Mouth; and I am persuaded, most Men would have been of my Opinion, if they had been conscious of what was said or done upon that Occasion; and in Confirmation of what I say I shall produce two Letters, that will perfectly free me from that Imputation.

THE first is from Mr. *Tho. Benet*, without Date, but writ, as I gather from the Contents, the next Post after Dr. *Ferrar's* decease, who died the 13th of *Febr.* 1690, and directed to the then Senior Fellow, Mr. *Jo. Giles*.

Worthy SIR,

I Doubt not but all the Friends of UNIVERSITY COLLEGE are sensible of the Loss you have had, in so good a Master, as Master *Ferrar*, whose death I most heartily lament; But since we are deprived of our Friend, if you shall not think fit to succeed him, as I am informed you do not design; if you will oblige me so far as to make me once more happy in the Enjoyment of so many Friends, as I have no small Reason to believe I have in your Society. you cannot confer a greater Obligation on me, if you think

think me worthy to serve you; my Endeavours shall never be wanting, and whatever you shall do in this Affair shall be gratefully acknowledged by the sincerest of your Friends, and humblest of your Servants,

Tho. Benet.

Mr. *Giles*, who was my Tutor, and between whom and my self there was a greater Familiarity and Friendship, even to his Death, (which was not long after) than any other two Fellows of the COLLEGE, and I was more privy to his Secrets, than any other Person whatsoever, and he had endeavoured to persuade me, if Mr. *Farrar* could not be prevailed on, as we thought he would not, that I would take the Place my self, which I shou'd scarce have said, if it had not been well known that the same Offers had been made me, twice afterwards, even by a Majority of Voices, to the very Hour that Dr. *Charlet* was elected into that Place. Upon Consideration therefore, he and I agreed, that I should write the following Answer, and after, when *Benet's* Letter was communicated to the Society, send it back to Mr. *Benet*; which was this that follows, writ upon a Piece of bad Paper, which with Mr. *Benet's* Letter, I have still by me, and shall be shewn to any that desire it of me.

Dear

Dear SIR,

MR. Giles has communicated your Letter to the Society, who are extremely glad that their late great Loss in so entirely beloved a Master is lessened, by having a Prospect (if it be not our own Faults) of seeing that Place supplied by so worthy a Successor, as we none of us doubt but your self are like to prove: And truly at present, I see nothing in the Inclinations, and good Affections of the Society; But that in all Probability, you are likely to meet with an unanimous Concurrence of their Voices for yourself; but before they can come to an absolute Resolution in this Affair, they are willing to give the present Fellows Time and Opportunity (if any of them be so disposed) of appearing for the Place, and making their Interest for it; and this the rather, if none do so appear, or upon making their Application, find not the Encouragement they expected, they might with the greater Alacrity, concur with their Brethren in moving the Visitors [meaning the Vice-Chancellor, Doctors of Divinity and Proctors,] for a Dispensation with the Statutes to make a free and unlimited Choice, from which several of the Society conceive themselves at present restrained both by the Letter and Equity of that Provision, that limiteth our Election to such as were, or had been of the old Foundation, which at that Time were none but such as were [if such could be had] born within the Province of York; and therefore

fore two of these Northern Fellowships were assigned to make up the Master Place, which originally belonged to the five Northern Counties, (or three Northern Diocesses).

Now should we unadvisedly break in upon this Constitution, and give a Precedent (where none was before) for chusing promiscuously out of both Foundations, we should expose ourselves to the just Imputation, of being unconcerned for our Country's Privileges; And, by a Side Blow, contribute to destroy that Harmony, which is between both Foundations, by making Way to reduce them into one common Heap of Confusion. For should a Southern Man be chose Master, without a Dispensation, the Northern Men might think they need make no Difficulty to chuse Northern Men into Southern Fellowships [or Scholarships] and then, when both Masters and Fellows were chosen thus discriminately, and possibly one Interest grew to that Disproportion, as to exceed the other, to the absolute Ruin of one Part, and visibly lessening the flourishing Condition of both: These, I suppose, are the chief Reasons, why the COLLEGE takes Time to deliberate; not so much of the End as of the Means how to make themselves happy; which I doubt not, but will on all Hands be, by an hearty and frank Solicitation of the Society to you, to accept the Place; whose liberal Fortune, as other your large Endowments, assure us of a Willingness, and Capacity to do
all

all those good Offices for the COLLEGE, which can either be expected or wished for in a worthy and excellent Governour.

And because the Intercourse of Favours use oftentimes to be mutual, I question not but the Society's Kindness will be returned back with all good Will and Affection. And since it happens, that when they elect out of their own standing Body, there is a gradual Advance of all the Members of it; I hope it will be a very easy Matter, for one of your Figure and Interest in the World, in a short Time to make a recompence as to this Particular, by procuring an Equivalent, both more acceptable and beneficial, than so meanly endowed a Headship will amount unto. Sir, I herein only signify to you my own Thoughts, but such I think are common to me, with most of the Society, who, I believe, are all of them heartily ambitious to see you shortly settled amongst us, and will with Sincerity congratulate more their own, than your good Fortune, when they have Opportunity to call you Master, who are at present your humble Servants, and amongst them, Dear Sir,

Your affectionate Friend,

*To promote your Interest,
In what lies in his Power,*

*William Smith.
BOTH*

putations, occasioned by the Vindication of the Doctors and Proctors Proceedings in this Cause, published about five Years ago; but not perused by me again, 'till the Night before I am now Writing my own Apology, for what it seems has been charged upon me, by one of the Members of our own Society. As to the *Vindication* of the *Proceedings* there mentioned, I cannot but own it is ingeniously drawn up, and it might have well been expected to have met with a kinder Reception than I am informed it did by the greatest Part of the UNIVERSITY, for what Reason I know not; for had I been a Stranger to the Cause, I should have thought it unanswerable, but being better acquainted with the Cause than most others are, I could not entertain the same Opinion of it, that I thought others would: For there appeared to me to be a great Deal of needless Pains taken to prove, that the main Statute the Cause turned upon, did no way relate to the Choice of a new Master, but only to the Choice of a new Fellow; but this might be easily answered, by constant Custom, ever since there was any such Election that we know of. And it seems but reasonable, that there should be the like Approbation of a Master, as there was of a Fellow, as being a Matter of far greater Moment than the other; neither was there any Necessity of making such an Excuse, the Delegates having otherwise

wise sufficient Reasons to defend their own Proceedings, had all other Matters alledged in the Vindication been true and unquestionable; but it fails, and is untrue in very many Things alledged in it. As first, that there was never any *Deputation* of Visitors, since the making the Statutes of 1311. Now this is false in many Instances, for did not the *Convocation* it self act as Visitors in approving the Statutes of Bishop *Skirlaw*, made by King *Henry* the 4th's Order? Did not the *Convocation* receive three several Appeals, one made by the Fellows against Chancellor *Cox*, and Mr. *Kay*? Another Appeal by *Kay* against *Ellison*; a third from *Kay* against the Fellows, in behalf of *Richard Salvaine*; and one, the greatest of all, in an Appeal against the Vice-Chancellor, Doctors, and Proctors, made to *Convocation* by the Fellows, for approving the Election of Mr. *Tho. Thornton*, to be Master in the Year 1654; and after much Consideration, that Appeal was received by *Convocation*, and twenty six Delegates appointed to hear and determine it (the Vice-Chancellor, and Doctors, and Proctors, that had approved it, being left out in that Deputation).

THE next Thing that I observe, is the Mistake in quoting *Skirlaw's* Statutes, and *Percy's*, that the Doctors, and Proctors were the COLLEGE Visitors: Some Thing of this may seem to be inferred from *Percy's* Statutes, not made

'till the Year 1443 ; but by no Means from *Skirlaw's*, which he got approved by *Convocation* ; for in the Body of his Statutes, his Words are these, *Ordinamus quod Visitatores alias ad visitandum dictum Collegium Deputati inter alia quæ in sua Visitatione occurrant, hanc nostram Ordinationem publice legi facient & Deum habentes præ oculis videant & procurent quod omnia præmissa in forma præscripta plenarie compleantur.* Now it is plain by *Visitors*, he could mean no others but the *Convocation* it self, or *Delegates* appointed on purpose by them ; otherwise, if he thought the *Doctors* and *Proctors* were the true and proper *Visitors*, the *Bishop* would have applied to them, and not to the *Chancellor* and *Cætus Magistrorum*, to have his Statutes confirmed by them.

THE Excuse made for their deferring their Judgment, not about the Qualities of the Person elected, but about the Question, Whether there was any Election or no ? seems very reasonable, and so is their Resolution, about the Nature of a Canonical Election, well worth the Reading of the Curious, and therefore I shall say nothing more about it, save this, That a Canonical Election has been so interpreted this very Year at *Cambridge*, upon the Election of a new Master of *St. John's College*, where the *Publick News* tells us, there were five Candidates, none of which being able to get a Majority of Votes of all that

that had Suffrages, there was a Devolution to the eight Senior Fellows, and if a Majority of them could not concur in one of the Candidates, the Election would have devolved further to the Bishop of *Ely*; but five of the eight agreeing on one Person, the Election was concluded without going any further. I think it may be observed of these, that now deny the Doctors, and Proctors, and UNIVERSITY also, to be their Visitors, that in the Year 1711, they so far owned them to be their Visitors, as to yield to their making new Decrees or Statutes for them, in the Year aforesaid; that they now deserve to suffer those Penalties then laid upon another; provided their innocent Successors could find the right Means to avoid them. I must also take further Notice, that the first Note in Page the 5th, of their Case, is by no Means truly related; but as I have afore observed, out of Mr. *Twine's Apologia*, (according to the Custom of many Writers, to serve a Turn) 'tis very much distorted; for first *Hamsterly's* Election was but conditional, he being a Foreigner, and not capable of being elected without a Dispensation, and was never regularly admitted; but the Delegates over-ruled, by the Interposition of his Friend Archbishop *Warram*, his old Acquaintance, and then Chancellor of the UNIVERSITY; But what is said of *Hutchinson*, and all his Successors,

does indisputably prove the Custom of the Statute in Question, being always constantly observed.

The *Postscript* of this *Vindication* came originally from my Hands, but by no Means in my Expressions, for I should never have pretended that Mr. Cockman was not *de Gremio & Comitiva Collegii*, tho' I indeed thought that that did not qualifie him to be chosen Head of the COLLEGE, by Reason his Foundation was not in being, when the Statute for the Election of a Master was made, A^o. 1475, And therefore when the first Choice of a *Benet* Fellow was to be made, the COLLEGE procured a Dispensation for their so doing, as will appear bye and bye; For I am informed, that assoon as this *Postscript* was published, and seemed to question Mr. Cockman's Freehold, his Party set their Heads to provide an Answer to it, and none was so proper, as to raise a Lye upon my self, to take off the Validity of the Objection, and the Junior of all the Fellows, then in being, was to be their Spokesman, or Affidavit-maker, and therefore it was presently reported, that the Dispensation for chusing whom the COLLEGE at that Time thought fittest, was chiefly procured by my self, in order to get a Friend of mine, of another COLLEGE, put in a Capacity to be elected Master.

Now I protest, before GOD, that there is
not

not one Syllable of all this in the least true, for I had no such Friend that I had any the least Thought of, and I believed the Report of its coming from Mr. *Boraston* to have been so false a Forgery, that it seem'd to me to be impossible ever to have come from his Mouth; and I am persuaded, most Men would have been of my Opinion, if they had been conscious of what was said or done upon that Occasion; and in Confirmation of what I say I shall produce two Letters, that will perfectly free me from that Imputation.

THE first is from Mr. *Tho. Benet*, without Date, but writ, as I gather from the Contents, the next Post after Dr. *Ferrar's* decease, who died the 13th of *Febr.* 1690, and directed to the then Senior Fellow, Mr. *Jo. Giles*.

Worthy SIR,

I Doubt not but all the Friends of UNIVERSITY COLLEGE are sensible of the Loss you have had, in so good a Master, as Master *Ferrar*, whose death I most heartily lament; But since we are deprived of our Friend, if you shall not think fit to succeed him, as I am informed you do not design; if you will oblige me so far as to make me once more happy, in the Enjoyment of so many Friends, as I have no small Reason to believe I have in your Society. you cannot confer a greater Obligation on me, if you think

think me worthy to serve you; my Endeavours shall never be wanting, and whatever you shall do in this Affair shall be gratefully acknowledged by the sincerest of your Friends, and humblest of your Servants,

Tho. Benet.

Mr. *Giles*, who was my Tutor, and between whom and my self there was a greater Familiarity and Friendship, even to his Death, (which was not long after) than any other two Fellows of the COLLEGE, and I was more privy to his Secrets, than any other Person whatsoever, and he had endeavoured to persuade me, if Mr. *Farrar* could not be prevailed on, as we thought he would not, that I would take the Place my self, which I shou'd scarce have said, if it had not been well known that the same Offers had been made me, twice afterwards, even by a Majority of Voices, to the very Hour that Dr. *Charlet* was elected into that Place. Upon Consideration therefore, he and I agreed, that I should write the following Answer, and after, when *Benet's* Letter was communicated to the Society, send it back to Mr. *Benet*; which was this that follows, writ upon a Piece of bad Paper, which with Mr. *Benet's* Letter, I have still by me, and shall be shewn to any that desire it of me.

Dear

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And because the Intercourse of Favours use oftentimes to be mutual, I question not but the Society's Kindness will be returned back with all good Will and Affection. And since it happens, that when they elect out of their own standing Body, there is a gradual Advance of all the Members of it; I hope it will be a very easy Matter, for one of your Figure and Interest in the World, in a short Time to make a recompence as to this Particular, by procuring an Equivalent, both more acceptable and beneficial, than so meanly endowed a Headship will amount unto. Sir, I herein only signify to you my own Thoughts, but such I think are common to me, with most of the Society, who, I believe, are all of them heartily ambitious to see you shortly settled amongst us and will with Sincerity congratulate more their own, than your good Fortune, when they have Opportunity to call you Master, who are at present your humble Servants, and amongst them, Dear Sir,

Your affectionate Friend,

To promote your Interest,
In what lies in his Power,

William Smith.
BOTH

BOTH the foregoing Letters are without Date, the First by Forgetfulness, and this of mine, because it was only a foul Draught, but they must be dated after the 13th of *February* on which Dr. *Farrar* died, and the 21st of the same Month, on which I received an Answer to mine A^o. 1690 from Mr. *Benet* himself.

I have received a 2d Information that Mr. *Boraston* (which I thought almost impossible) stands to his Report, at least that this was his own Opinion, or Conceit, by which I see what happens by Men's being engaged in a bad Cause, and keeping ill Company, and I should have ascribed this Error to others that put him upon it; but that he is quoted for another Untruth, relating to the *Bursar*; which was never practised in my Time, nor would ever have been winked at, 'twas so unreasonable, if once discovered to the Society.

HAVING, as I suppose, cleared my Reputation in this Point, it not being my Custom to seem to make Promises, and to break them, I shall further add, that I was the Chief, if not the single Helper to get Mr. *Benet* chosen Fellow; for when Mr. *Walker* had procured a Majority of Voices to bring in his after Convert that turned Papist Fellow, before Mr. *Benet*; I told Mr. *Dean*, when he applied himself for my Vote, plainly, that should he
be

be chosen, a Complaint against his Election should be brought in *Chancery*; having been informed that when there was some movement made, to the Lord Chancellor *Hide*, that some Provision should be made for Sir *Simon Benet's* Relations (nothing of which was mentioned in his Will,) Mr. *Walker*, personally known to the Lord Chancellor, promised that the Society would never be so ungrateful to so great a Benefactor, as not to prefer his Relations before all others, when they proved Men of Merit, and worthy of the Places they stood for. Accordingly a Sequestration of all Fellowships, 'till four should become void at once, being made in the Year, 1664; this Decree was revoked by those that made it, within two Years after, to provide a Place for a Knight Baronet's Son, called Mr. *Lawrence*; and afterwards succeeded his Father by the Name of Sir *Thomas Lawrence*, and whose Son was chosen Scholar in my Time also, if I be not wonderfully Mistaken.

I have given so many Instances of unfair Dealing amongst the Members formerly, or lately of that COLLEGE, that the World be not surprized, as if Lying and Dissimulation can be met with no where else; besides what I have observed before, no way to the Reputation of a Governour of another COLLEGE; I will beg leave to insert a true Story of a Canon, and a Chapter Clerk, of *Christ Church*; who

who as they were injurious to the Interest of the COLLEGE before; so they have been very disserviceable to Mr. *Denison*, in doing him all the Harm they could, in Reference to the Headship at this Time also.

THE Story is this, the Person here intended by me, purchased a COLLEGE Lease from some one of our Tenants, whose Lands or Meadows lay very near *Oxford*; and when some Time after he had Occasion to renew his Lease, and pay a considerable Fine for it, and their Chapter Clerk being the Drawer of our Leases also; that Canon observing, that by his Lease he was obliged to pay a yearly Fine of Forty Shillings also; to think the best, I will suppose he imagined this to be a Mistake, and bid the Lease-Drawer to leave it out; who being a knowing and well versed Person in such Matters, and not only Attorney to several COLLEGES but to the UNIVERSITY also, he shewed himself an honest Man upon another Occasion, when he would not alter a Lease the COLLEGE, made for a Piece of Ground, formerly called UNIVERSITY COLLEGE Schools, to the UNIVERSITY, when the Vice-Chancellor would have changed it; but very ignorantly, and unbecoming his Place, who was then *Custos Archivorum* also, I was forced to write one, or more Letters, to convince him of his Mistake, even from what Mr. *Wood* had printed in the U-

UNIVERSITY's Name, Part 2d. p. 13, col. 2d, who knew not how we came by it; and yet the Deed of Purchase, though a little defaced, is still in the COLLEGE Treasury: But in this latter Case, the same Person, either out of Fear of giving Offence, or out of Compliance with that Canon's Desire, he left it out, and the Fellows contrary to their Duty, and Common Custom, sealed the Lease, without comparing it with the old one. Upon this the Tenant for about eight Years together, more or less, ~~defaulted~~ the 40 s. out of the *defalked* the Rent; and they either did not consult their Attorney, who drew and altered the Lease, or he did not as in Excuse of himself, he should have told them how it happened, or how it might be altered, so that sometime about the Year I speak of, they sent to me (as Dr. Charlet did, when ever he was at a Non-plus, and never, or seldom, gave me any Account how it succeeded, otherwise than I might gather from my no more hearing of it) to enquire if the old Rent had not been always paid, and now that it was denied, what they should do to recover it; my Answer was, they should forfeit his Lease, the Land being let at a lower Rent than usual, a Thing prohibited by Act of Parliament. And because this *yearly Fine* seems to be an unusual Case, I will give the best Account how I imagine that it happened. The Case I conceive

celve was thus, The Prior of the *Black Friars* rented an Island of the COLLEGE, that lay near him, above the South Bridge, and paid for it alone, or other Grounds lying near it, 1 l. 1 s. 8 d. 'till the Dissolution of the Convent, But the COLLEGE raising the Rent possibly near its true Value, before that Act of Q. *Elizabeth*, passed in the 18th Year of her Reign; now when that Act came out, its like the Rent was so high, that the Lease could not bear Compliance with it, and so the Additional Rent of 40s. was forced to be accounted as an Additional, beyond the former ancient Rent; and there is a like Omission in the Rent of another Lease, the same Tenant spoken last of, holds also of the same COLLEGE, in which there is another yearly Omission of a *Fat Wether* to be paid at Christmas, — extant in a Lease dated about 1580, and how he will get quite rid of this, I am not so much a Lawyer, as to pretend to give any further Judgment in it.

THIS Matter, I suppose when discovered, was not much insisted on by Dr. *Charlet*, he hoping to make use of that Canon's Vote upon some better Occasion, having got his Hand amongst those Doctors that signed the new Statutes, made A^o. 1711, in which the Doctors, &c. declare themselves very unjustly the lawful and undoubted Visitors of the COLLEGE; and the Master's Silence might make Mr. *Dennison*, at that Time of an opposite Party to the

the Master, press this Matter more home upon the Canon, and his Chapter Clerk aforesaid; And they, if not to be revenged, yet to be even with him, made the most Friends they could to bring in Mr. *Cockman*, and all or the greatest Part of the Canons of the Church, (except the then 2 or 3 Bishops) were (as is supposed) by them brought over to Mr. *Cockman's* Party, and countenancing his Appeal to a new Visitor; of which Persons, and some others, when this Matter was in Agitation, I happened to Presage this great Truth, "That
 " I thought it would not be long, before
 " they would be *ashamed* of what they had
 " done." And of *two* of them I think the Thing then foretold is now become verified, and therefore I need say no more of it; tho' I have something more to add of the unjustifiable *Action* of one of the Fellows, and of the afore-mentioned *Chapter Clerk*, who not contented with doing Mr. *Cockman* what Kindness they could, adventured *one Step* further; for when I had sent a Copy of our *first Statutes*, otherwise sometimes stiled an Inquisition into *William of Durham's* Money, Mr. *Cockman's* Party had the Impudence to deny there was ever such a Charter; and when the Copy was shewn them, and the greatest Part of it published in Mr. *Wood's* History, they answered, *they would neither believe him nor me*, and that they might prove themselves *graviter*

impudentes, and an Order was procured from the then Attorney General, that their Side, who had got both the Master's and Burfar's Keys that gave Enterance into the Treasury, should give the other Party Admittance to search in the COLLEGE Archives, for all such Charters or Muniments, that might any way serve to strengthen their Cause; and what is admirable, when they came to enquire after it, there was no such Charter to be found, for the others who had the Keys had privily withdrawn it, and yet as GOD would have it upon one Account or other, their own Counsel at last produced it, and I imagine the Cause might happen to be thus, That Dr. *Tod* had entered it into his Ledger-Book, which Mr. *Cockman's* Party found upon some other Occasion a Necessity to produce. All that is last related I have in *Scriptis*; But those that sent me the News, possibly for Fear of Recriminations, are not desirous to appear to the World as Vouchers for it, and therefore I must suffer this to pass, as a Thing to be believed, or rejected, as the Reader shall think most fitting and convenient.

AND now I think I have done with most of the Matters that relate to *Oxford*, and it is too long a *Progress* for me to follow them to *London*; yet there is one Thing that happened a little before the Trial at *Westminster*, that I am obliged to speak a Word to; but it more relates

lates to the Christian Religion in general, than to that particular Cause I have been so long treating of. The Letter in which I received this News, was dated the 2d of *May* 1727, in which I find these Words following.

IT has been said in Westminster-Hall, by one of the Interpreters of the Law, that King Alfred must be confirmed our Founder, for the Sake of Religion it self, which would receive a greater Scandal by a Determination on the other Side, than it had by all the Atheists, Deists, and Apostates, from Julian down to Collins, that a Succession of Clergymen for so many Years should return Thanks for an Idol, or mere Nothing, in Redicule and Banter of GOD and Religion, must not be suffered in a Court of Justice.

AND yet it seems, this *Idol* has met with its Worshippers, in *Westminster-Hall*, how justly I will not pretend to give my Censure, for the best Cause may be deservedly lost by bad Management; yet this I will say, that it is possible for Men to take upon themselves to be *Interpreters* of the Law, that have had no Commission for it, as many do still to preach and Interpret the Gospel, who never had any lawful call for so doing. I will not therefore enquire further who this learned Person was, but supposing there were such a Person, I can think no otherwise of him, than as an *Atheist* who acts upon his own Principles,

and whether right or wrong he would bespatter and ridicule our Religion ; for if the Cause went for King *Alfred*, he would say, *we Christians believe nothing but Fables* ; if against him, he would tell us, *that many Things have for several Ages passed for Truth, which proved at last mere Forgeries and Falshoods.*

I think therefore with Modesty, I may ask this *Interpreter* a like Question with that *Jok* did in another Case, *What hast thou, O Atheist ! to do with Religion, who knows not what is meant or taught by it ?* For is there any Religion in the World that holds it either commendable, or lawful, to profess the Belief of what they are convinced in their own Consciences is an Untruth ? I think it next to impossible, to find a *Jew*, or *Mahometan*, or *Pagan*, that would yield to such a *Maxim*, as is here laid down. Have not all Religions at some time or other, had their *Martyrs*, rather than profess that for *Truth*, which in their Hearts they believed to be a *Lye* ? Nay, have not some *Atheists* practised more Honesty than this comes to, and suffered Death rather than they would own a Deity ? Do not all Men recede from the Religion they were born under, when once convinced that it is erroneous ? Did not *Julian* himself, that was bred a Christian, relapse into Heathenism, when wrought upon by *Magicians* and *Atheists* ? And has not *Collins*, if he was born an *Englishman*, done the like.

To

To follow therefore the Advice of this *Interpreter*, were the Way to overthrow all Religion, and amongst the Rest, not only the *Protestant Faith*, but that of the *Romanists* also. Has not the whole Catholick Church, in some Ages, receeded from some Particulars, both of Faith and Practice? Witness that of *communicating Infants*, of so ancient a Date, that the rise of it is not known, and which continued in the *Western Church* 'till *Charles* the Great, and, as some say, much longer in the *Eastern*. Have not the *Sorbonists* receeded from their Fables of *Dionysius* the *Areopagite* being their Converter? The Papacy itself, does now no longer pretend to defend the old Tradition of *Constantine* the Great's Donation, and Pope *Silvester* baptizing him. Is not the Tale of Pope *Joan*, related as low as *Platina's* History of the Popes, not only confuted by *Onuphius*, *Panvinus*; but by some of our own Protestant Writers also? The famous Charter of *Gregory* the Great, granted to the ABBY of *St. Medard*, in *France*, that passed current for several Ages, is discovered and proved to be a mere Forgery, by *Monsieur Du Pin*, in the 6th Century, P. 94, English. †

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† This Privilege is produced by *Bellarmino*, as genuine, and as such, is answer'd by *Dr. Field*, (Book the 5th, ch. 38 of the Church, Printed A^o 1610,) but for all that, it is a bare-faced Forgery, being signed, as is said, in the End of the Bull itself, in the Year of Grace 594, by *Austine*, Archbishop of *Canterbury*, and *Mellitus* Bishop of *London*; whereas at that Time neither of these two were Bishops, nor the latter of them, 'till the Year 604, and therefore it seems not to have been rejected as fictitious, 'till the last Century, nor it may be so much as suspected by the *French Nation*, 'till about that Season.

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all those good Offices for the COLLEGE, which can either be expected or wished for in a worthy and excellent Governour.

And because the Intercourse of Favours use oftentimes to be mutual, I question not but the Society's Kindness will be returned back with all good Will and Affection. And since it happens, that when they elect out of their own standing Body, there is a gradual Advance of all the Members of it; I hope it will be a very easy Matter, for one of your Figure and Interest in the World, in a short Time to make a recompence as to this Particular, by procuring an Equivalent, both more acceptable and beneficial, than so meanly endowed a Headship will amount unto. Sir, I herein only signify to you my own Thoughts, but such I think are common to me, with most of the Society, who, I believe, are all of them heartily ambitious to see you shortly settled amongst us, and will with Sincerity congratulate more their own, than your good Fortune, when they have Opportunity to call you Master, who are at present your humble Servants, and amongst them, Dear Sir,

Your affectionate Friend,

*To promote your Interest,
In what lies in his Power,*

*William Smith.
BOTH*

BOTH the foregoing Letters are without Date, the First by Forgetfulness, and this of mine, because it was only a foul Draught, but they must be dated after the 13th of *February* on which Dr. *Farrar* died, and the 21st of the same Month, on which I received an Answer to mine A^o. 1690 from Mr. *Benet* himself.

I have received a 2d Information that Mr. *Boraston* (which I thought almost impossible) stands to his Report, at least that this was his own Opinion, or Conceit, by which I see what happens by Men's being engaged in a bad Cause, and keeping ill Company, and I should have ascribed this Error to others that put him upon it; but that he is quoted for another Untruth, relating to the *Bursar*; which was never practised in my Time, nor would ever have been winked at, 'twas so unreasonable, if once discovered to the Society.

HAVING, as I suppose, cleared my Reputation in this Point, it not being my Custom to seem to make Promises, and to break them, I shall further add, that I was the Chief, if not the single Helper to get Mr. *Benet* chosen Fellow; for when Mr. *Walker* had procured a Majority of Voices to bring in his after Convert that turned Papist Fellow, before Mr. *Benet*; I told Mr. *Dean*, when he applied himself for my Vote, plainly, that should he
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be chosen, a Complaint against his Election should be brought in *Chancery*; having been informed that when there was some movement made, to the Lord Chancellor *Hide*, that some Provision should be made for Sir *Simon Benet's* Relations (nothing of which was mentioned in his Will,) Mr. *Walker*, personally known to the Lord Chancellor, promised that the Society would never be so ungrateful to so great a Benefactor, as not to prefer his Relations before all others, when they proved Men of Merit, and worthy of the Places they stood for. Accordingly a Sequestration of all Fellowships, 'till four should become void at once, being made in the Year, 1664; this Decree was revoked by those that made it, within two Years after, to provide a Place for a Knight Baronet's Son, called Mr. *Lawrence*; and afterwards succeeded his Father by the Name of Sir *Thomas Lawrence*, and whose Son was chosen Scholar in my Time also, if I be not wonderfully Mistaken.

I have given so many Instances of unfair Dealing amongst the Members formerly, or lately of that COLLEGE, that the World be not surprized, as if Lying and Dissimulation can be met with no where else; besides what I have observed before, no way to the Reputation of a Governour of another COLLEGE; I will beg leave to insert a true Story of a Canon, and a Chapter Clerk, of *Christ Church*; who

who as they were injurious to the Interest of the COLLEGE before; so they have been very disserviceable to Mr. *Denison*, in doing him all the Harm they could, in Reference to the Headship at this Time also.

THE Story is this, the Person here intended by me, purchased a COLLEGE Lease from some one of our Tenants, whose Lands or Meadows lay very near *Oxford*; and when some Time after he had Occasion to renew his Lease, and pay a considerable Fine for it, and their Chapter Clerk being the Drawer of our Leases also; that Canon observing, that by his Lease he was obliged to pay a yearly Fine of Forty Shillings also; to think the best, I will suppose he imagined this to be a Mistake, and bid the Lease-Drawer to leave it out; who being a knowing and well versed Person in such Matters, and not only Attorney to several COLLEGES but to the UNIVERSITY also, he shewed himself an honest Man upon another Occasion, when he would not alter a Lease the COLLEGE, made for a Piece of Ground, formerly called UNIVERSITY COLLEGE Schools, to the UNIVERSITY, when the Vice-Chancellor would have changed it; but very ignorantly, and unbecoming his Place, who was then *Custos Archivorum* also, I was forced to write one, or more Letters, to convince him of his Mistake, even from what Mr. *Wood* had printed in the U-

UNIVERSITY's Name, Part 2d. p. 13, col. 2d, who knew not how we came by it; and yet the Deed of Purchase, though a little defaced, is still in the COLLEGE Treasury: But in this latter Case, the same Person, either out of Fear of giving Offence, or out of Compliance with that Canon's Desire, he left it out, and the Fellows contrary to their Duty, and Common Custom, sealed the Lease, without comparing it with the old one. Upon this the Tenant for about eight Years together, more or less, ~~defaulted~~ the 40 s. out of the *defalked* the Rent; and they either did not consult their Attorney, who drew and altered the Lease, or he did not as in Excuse of himself, he should have told them how it happened, or how it might be altered, so that sometime about the Year I speak of, they sent to me (as Dr. Charlet did, when ever he was at a Non-plus, and never, or seldom, gave me any Account how it succeeded, otherwise than I might gather from my no more hearing of it) to enquire if the old Rent had not been always paid, and now that it was denied, what they should do to recover it; my Answer was, they should forfeit his Lease, the Land being let at a lower Rent than usual, a Thing prohibited by Act of Parliament. And because this *yearly Fine* seems to be an unusual Case, I will give the best Account how I imagine that it happened. The Case I conceive

Fine

ceive was thus, The Prior of the *Black Friars* rented an Island of the COLLEGE, that lay near him, above the South Bridge, and paid for it alone, or other Grounds lying near it, 1 l. 1 s. 8 d. 'till the Dissolution of the Convent, But the COLLEGE raising the Rent possibly near its true Value, before that Act of Q. *Elizabeth*, passed in the 18th Year of her Reign; now when that Act came out, its like the Rent was so high, that the Lease could not bear Compliance with it, and so the Additional Rent of 40s. was forced to be accounted as an Additional, beyond the former ancient Rent; and there is a like Omission in the Rent of another Lease, the same Tenant spoken last of, holds also of the same COLLEGE, in which there is another yearly Omission of a *Fat Wether* to be paid at Christmas, — extant in a Lease dated about 1580, and how he will get quite rid of this, I am not so much a Lawyer, as to pretend to give any further Judgment in it.

THIS Matter, I suppose when discovered, was not much insisted on by Dr. *Charlet*, he hoping to make use of that Canon's Vote upon some better Occasion, having got his Hand amongst those Doctors that signed the new Statutes, made A^o. 1711, in which the Doctors, &c. declare themselves very unjustly the lawful and undoubted Visitors of the COLLEGE; and the Master's Silence might make Mr. *Denison*, at that Time of an opposite Party to the

the Master, press this Matter more home upon the Canon, and his Chapter Clerk aforesaid; And they, if not to be revenged, yet to be even with him, made the most Friends they could to bring in Mr. *Cockman*, and all or the greatest Part of the Canons of the Church, (except the then 2 or 3 Bishops) were (as is supposed) by them brought over to Mr. *Cockman's* Party, and countenancing his Appeal to a new Visitor; of which Persons, and some others, when this Matter was in Agitation, I happened to Presage this great Truth, "That
 " I thought it would not be long, before
 " they would be *ashamed* of what they had
 " done." And of *two* of them I think the Thing then foretold is now become verified, and therefore I need say no more of it; tho' I have something more to add of the unjustifiable *Action* of one of the Fellows, and of the afore-mentioned *Chapter Clerk*, who not contented with doing Mr. *Cockman* what Kindness they could, adventured *one Step* further; for when I had sent a Copy of our *first Statutes*, otherwise sometimes stiled an Inquisition into *William of Durham's* Money, Mr. *Cockman's* Party had the Impudence to deny there was ever such a Charter; and when the Copy was shewn them, and the greatest Part of it published in Mr. *Wood's* History, they answered, *they would neither believe him nor me*, and that they might prove themselves *graviter*

impudentes, and an Order was procured from the then Attorney General, that their Side, who had got both the Master's and Burfar's Keys that gave Enterance into the Treasury, should give the other Party Admittance to search in the COLLEGE *Archives*, for all such Charters or Muniments, that might any way serve to strengthen their Cause; and what is admirable, when they came to enquire after it, there was no such Charter to be found, for the others who had the Keys had privily withdrawn it, and yet as GOD would have it upon one Account or other, their own Counsel at last produced it, and I imagine the Cause might happen to be thus, That Dr. *Tod* had entered it into his Ledger-Book, which Mr. *Cockman's* Party found upon some other Occasion a Necessity to produce. All that is last related I have in *Scriptis*; But those that sent me the News, possibly for Fear of Recriminations, are not desirous to appear to the World as Vouchers for it, and therefore I must suffer this to pass, as a Thing to be believed, or rejected, as the Reader shall think most fitting and convenient.

AND now I think I have done with most of the Matters that relate to *Oxford*, and it is too long a *Progress* for me to follow them to *London*; yet there is one Thing that happened a little before the Trial at *Westminster*, that I am obliged to speak a Word to; but it more re-
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lates to the Christian Religion in general, than to that particular Cause I have been so long treating of. The Letter in which I received this News, was dated the 2d of *May* 1727, in which I find these Words following.

IT has been said in Westminster-Hall, by one of the Interpreters of the Law, that King Alfred must be confirmed our Founder, for the Sake of Religion it self, which would receive a greater Scandal by a Determination on the other Side, than it had by all the Atheists, Deists, and Apostates, from Julian down to Collins, that a Succession of Clergymen for so many Years should return Thanks for an Idol, or mere Nothing, in Redicule and Banter of GOD and Religion, must not be suffered in a Court of Justice.

AND yet it seems, this *Idol* has met with its Worshipers, in *Westminster-Hall*, how justly I will not pretend to give my Censure, for the best Cause may be deservedly lost by bad Management; yet this I will say, that it is possible for Men to take upon themselves to be *Interpreters* of the Law, that have had no Commission for it, as many do still to preach and Interpret the Gospel, who never had any lawful call for so doing. I will not therefore enquire further who this learned Person was, but supposing there were such a Person, I can think no otherwise of him, than as an *Atheist* who acts upon his own Principles,

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and whether right or wrong he would bespatter and ridicule our Religion ; for if the Cause went for King *Alfred*, he would say, *we Christians believe nothing but Fables* ; if against him, he would tell us, *that many Things have for several Ages passed for Truth, which proved at last mere Forgeries and Falshoods.*

I think therefore with Modesty, I may ask this *Interpreter* a like Question with that *Job* did in another Case, *What hast thou, O Atheist ! to do with Religion, who knows not what is meant or taught by it ?* For is there any Religion in the World that holds it either commendable, or lawful, to profess the Belief of what they are convinced in their own Consciences is an Untruth ? I think it next to impossible, to find a *Jew*, or *Mahometan*, or *Pagan*, that would yield to such a *Maxim*, as is here laid down. Have not all Religions at some time or other, had their *Martyrs*, rather than profess that for *Truth*, which in their Hearts they believed to be a *Lye* ? Nay, have not some *Atheists* practised more Honesty than this comes to, and suffered Death rather than they would own a Deity ? Do not all Men recede from the Religion they were born under, when once convinced that it is erroneous ? Did not *Julian* himself, that was bred a Christian, relapse into Heathenism, when wrought upon by *Magicians* and *Atheists* ? And has not *Collins*, if he was born an *Englishman*, done the like.

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Neither is this true only of sacred Matters, but in Civil also. Who, but Fools, believe any Thing of *Brute* and his *Trojans* coming into *Britain*? and surely there may be found *Lyers* as well in later Ages, as in the Fore-going, so such Fables and Forgeries are to be rejected, whether of an older or later Date; especially such Stories and Fictions, which are but as it were of Yesterday's Invention; But I am afraid of being censured for saying too much rather than too little, in Refutation of so idle a Story, which, possibly was never really said at all, but a meer Banter of the *Aluredians*, to carry on their own Cause by the same Arts it was invented, in King *Rich.* the 2d's Time, and now endeavoured to be refreshed and propagated in our own.

BUT after all it may possibly be said, that I seem to reflect upon what has passed already in *Westminster-Hall*, and if some will imagine so, I cannot help it; tho' certainly it is no *Disparagement* to any Court to be *Mistaken*, when *bad Causes* are supported by *false Evidences*; and whatever passes in one Court, is no more an infallible Truth, than what passes in another, if the Judgments be contradictory one to another, especially if the first be in a Court of Equity, and the 2d in one of the Common Law only.

THE Instance I shall give, is worthy to be taken Notice of, for I say, that tho' it has
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already passed in one Court of Justice, that his Majesty is *legal Visitor*; yet in as high, if not higher Court, even in that of *Chancery*, a contrary Position has passed there, by a Person of undoubted Skill, as well for *Law*, as *Justice* and *Equity*, and as true a Friend, both to the King and his Subjects, as was ever trusted with the Royal Prerogatives of the one, or the Freedom and Liberties of the other; and this was the famous Lord Chancellor *Hide*. He and Sr. Herbottle Grimston, *Master of the Rolls*, being both present, when a Decree was passed there, 25th of Oct. A^o. 1662, to annul a former Decree passed by the Long Parliament, Dec. 1649, by way of Repeal of another passed before, concerning Sr. Simon Benet's Will, 14th of Nov. 1639, where it is said, that the Master and Fellows should advise with their Visitor of the COLLEGE: In pursuance of which, the Plaintiffs aforesaid, did apply themselves to the late Lord Bishop of Canterbury, (Wm. Laud) Chancellor of the said UNIVERSITY, and Visitor in Chief of the said COLLEGE, who made his Certificate to the late Lord Keeper, 30 of October, 1640. Now it appears by this Passage, repeated again in Court 1662, that Chancellor *Hide* had never heard that either K. Charles the 1st, or K. Charles the 2d, had ever been informed that any of the Kings of England claimed to be chief Visitors of that COLLEGE, otherwise then as by their Pre-rogative

rogative they are Visitors of all COLLEGES whatsoever; else that wise and great Man would never have suffered this to pass, without Animadversion, as Part of the last Decree made there for the final Settlement of that Foundation. And certainly in this, as well as in all other Things, he shewed himself as loyal a Subject, and as great a Patron of the Liberties of his Country, and true Friend to both, as ever graced that Seat since there was such an Officer as Lord Chancellor in *England*; for sure the Crown suffers nothing by granting that the Chancellor of that UNIVERSITY is chief Visitor of UNIVERSITY COLLEGE. And it is as certain, that the Kings of *England* borrow not their Right of Visiting all COLLEGES, because they were at the Charge of first founding them, nor when they founded some of them, reserved the Power of Visiting them in their own Hands; for if so, how comes the Bishop of *Lincoln* to be Visitor of *Oriel-College*, or the Bishop of *York* of *Queen's-College*, or the Earl of *Pembroke* of *Jesus* and *Pembroke-Colleges*: For the first of these was founded by K. *Edward* the 2d, the second by Queen *Philippa*, Consort to *Edward* the 3d, the third by Q. *Elizabeth*, the fourth by K. *James*, but with *Teasdale* and *Whitwick's* Money. But the Kings of *Great Britain* derive their Visitatorial Right from their original Sovereignty and Prerogative, owned by the
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Common Law of the Land, even long before Popery was ejected out of it; and to declare my mind, I have always thought that such Persons are much Mistaken, who hope to shew their Loyalty, by giving their Prince more than he desires, or is any other way Beneficial to him or his Kingdom; for such illegal Grants are the Destruction both of the Givers and Receivers, witness the unhappy Reign of King *Richard* the 2d, and some others. And what, I pray, did K. *James* the 2d get by such Counsellors and Judges, as laid the Laws of the Land at his Feet, and allowed him that Power of dispensing with all Acts of Parliament, and the like. It has been often found by Experience, in divers Nations, that Acts of Authority stretched beyond their due Bounds and Limits, has cracked at last, and fallen to nothing. How long might that unhappy Prince have reigned quietly, had he kept either his Promises or Oaths when he came to this Crown, in Tranquility and Peace; when those unjustifiable Methods sent him a second Time into Banishment, without any Hopes of Return: So that evil Counsellors take a wrong Course, when they hope that *bad Deeds* will produce either themselves or their Prince any lasting or *glorious Effects*, or believe themselves wise Patriots, that would rob their Fellow Subjects, to gratifie or enrich their Sovereign's; for a Prince's Riches consists in
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the Love and Welfare of his Subjects and Vassals. And this I think may suffice to make it plain, that those that defended the UNIVERSITY'S Rights, if they had done it as they ought to have done, (but through Oversight, or bad Ends they did not) they might have passed for as good Friends to the King, as those who flatteringly, or for By-ends, would complement him with more than was really his own: This may farther appear by the vast Sums of Money raised for the Sovereigns of this Realm, by Acts of Parliament since the late Revolution, far greater than any Arbitrary Kings could ever have raised, if the whole Land had been their proper Demesnes, and that what ever they wanted might have legally been called their own: But I begin to be tedious, and ought to draw to a Conclusion, and Address my self to the Body of the UNIVERSITY, for whom I have been all along Writing.

BUT I must first give an Answer to those that require it of me, why I have all along appeared so opposite, from allowing the Vice-Chancellor, Doctors, and Proctors, to be the true Visitors of the COLLEGE? To which I Answer, that in a low and improper Sense, I cannot deny, but this may some way appertain to them; but to make themselves true, legal, indubitable Visitors, by no Means belongs to them, as I have before at large proved in several

ral Places : And my so doing proceeded, as I am perswaded, from several sound and uncontestable Reasons. 1st, Because in it self it is a great *Untruth* and *Falshood*. 2dly, Because it is against the true *Interest* of all the Society, except the Master; for he being *Governour* of the COLLEGE, and all that are to judge betwixt him and the Fellows, being now in process of Time become most of them *Heads* of *Houses*, they will be willing to enlarge that *Power*, which they are or would be possessed of themselves. And Matters are now in a far *different Case* than when the Statutes of the COLLEGE A^o. 1311 were made, when there were but two COLLEGES founded, and none of their Heads, that I read of, Doctors of Divinity, 'till long after; neither does there any such Heads appear in that unwarrantable Act of the Year 1392, when *Foston* was made *Master*, tho' I never find him called so in the *Bursar's* Rolls, tho' he executed that *Office* about the same Year also: These are but moderate Reasons, but that which I most relie on, is 3dly this, That if the *Convocation* be our true Visitors, (as certainly they are) all that are nominated upon any Occasion to Visit the COLLEGE, are obliged to take an *Oath*, for the just Discharge of that Trust, before they can be admitted to Act in it; which certainly is a greater *Clog* upon their *Consciences*, than can any other way be laid upon them. And
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THE Instance I shall give, is worthy to be taken Notice of, for I say, that tho' it has
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already passed in one Court of Justice, that his Majesty is *legal Visitor*; yet in as high, if not higher Court, even in that of *Chancery*, a contrary Position has passed there, by a Person of undoubted Skill, as well for *Law*, as *Justice* and *Equity*, and as true a Friend, both to the King and his Subjects, as was ever trusted with the Royal Prerogatives of the one, or the Freedom and Liberties of the other; and this was the famous Lord Chancellor *Hide*. He and Sr. Herbottle Grimston, *Master of the Rolls*, being both present, when a Decree was passed there, 25th of Oct. A^o. 1662, to annul a former Decree passed by the Long Parliament, Dec. 1649, by way of Repeal of another passed before, concerning Sr. Simon Benet's Will, 14th of Nov. 1639, where it is said, that the Master and Fellows should advise with their Visitor of the COLLEGE: In pursuance of which, the Plaintiffs aforesaid, did apply themselves to the late Lord Bishop of Canterbury, (Wm. Laud) Chancellor of the said UNIVERSITY, and Visitor in Chief of the said COLLEGE, who made his Certificate to the late Lord Keeper, 30 of October, 1640. Now it appears by this Passage, repeated again in Court 1662, that Chancellor *Hide* had never heard that either K. Charles the 1st, or K. Charles the 2d, had ever been informed that any of the Kings of England claimed to be chief Visitors of that COLLEGE, otherwise then as by their Pre-rogative

rogative they are Visitors of all COLLEGES whatsoever; else that wise and great Man would never have suffered this to pass, without Animadversion, as Part of the last Decree made there for the final Settlement of that Foundation. And certainly in this, as well as in all other Things, he shewed himself as loyal a Subject, and as great a Patron of the Liberties of his Country, and true Friend to both, as ever graced that Seat since there was such an Officer as Lord Chancellor in *England*; for sure the Crown suffers nothing by granting that the Chancellor of that UNIVERSITY is chief Visitor of UNIVERSITY COLLEGE. And it is as certain, that the Kings of *England* borrow not their Right of Visiting all COLLEGES, because they were at the Charge of first founding them, nor when they founded some of them, reserved the Power of Visiting them in their own Hands; for if so, how comes the Bishop of *Lincoln* to be Visitor of *Oriel-College*, or the Bishop of *York* of *Queen's-College*, or the Earl of *Pembroke* of *Jesus* and *Pembroke-Colleges*: For the first of these was founded by K. *Edward* the 2d, the second by Queen *Philippa*, Consort to *Edward* the 3d, the third by Q. *Elizabeth*, the fourth by K. *James*, but with *Teasdale* and *Whitwick's* Money. But the Kings of *Great Britain* derive their Visitatorial Right from their original Sovereignty and Prerogative, owned by the
Com-

Common Law of the Land, even long before Popery was ejected out of it; and to declare my mind, I have always thought that such Persons are much Mistaken, who hope to shew their Loyalty, by giving their Prince more than he desires, or is any other way Beneficial to him or his Kingdom; for such illegal Grants are the Destruction both of the Givers and Receivers, witness the unhappy Reign of King *Richard* the 2d, and some others. And what, I pray, did K. *James* the 2d get by such Counsellors and Judges, as laid the Laws of the Land at his Feet, and allowed him that Power of dispensing with all Acts of Parliament, and the like. It has been often found by Experience, in divers Nations, that Acts of Authority stretched beyond their due Bounds and Limits, has cracked at last, and fallen to nothing. How long might that unhappy Prince have reigned quietly, had he kept either his Promises or Oaths when he came to this Crown, in Tranquility and Peace; when those unjustifiable Methods sent him a second Time into Banishment, without any Hopes of Return: So that evil Counsellors take a wrong Course, when they hope that *bad Deeds* will produce either themselves or their Prince any lasting or *glorious Effects*, or believe themselves wise Patriots, that would rob their Fellow Subjects, to gratifie or enrich their Sovereign's; for a Prince's Riches consists in
the

the Love and Welfare of his Subjects and Vassals. And this I think may suffice to make it plain, that those that defended the UNIVERSITY's Rights, if they had done it as they ought to have done, (but through Oversight, or bad Ends they did not) they might have passed for as good Friends to the King, as those who flatteringly, or for By-ends, would complement him with more than was really his own: This may farther appear by the vast Sums of Money raised for the Sovereigns of this Realm, by Acts of Parliament since the late *Revolution*, far greater than any *Arbitrary Kings* could ever have raised, if the whole Land had been their proper *Demesnes*, and that what ever they wanted might have legally been called their own: But I begin to be tedious, and ought to draw to a Conclusion, and Address my self to the *Body* of the UNIVERSITY, for whom I have been all along Writing.

BUT I must first give an Answer to those that require it of me, why I have all along appeared so opposite, from allowing the Vice-Chancellor, Doctors, and Proctors, to be the true *Visitors* of the COLLEGE? To which I Answer, that in a low and *improper Sense*, I cannot deny, but this may some way appertain to them; but to make themselves *true, legal, indubitable Visitors*, by no Means belongs to them, as I have before at large proved in several

ral Places: And my so doing proceeded, as I am perswaded, from several sound and uncontestable Reasons. 1st, Because in it self it is a great *Untruth* and *Falshood*. 2dly, Because it is against the true *Interest* of all the Society, except the Master; for he being *Governour* of the COLLEGE, and all that are to judge betwixt him and the Fellows, being now in process of Time become most of them *Heads* of *Houses*, they will be willing to enlarge that *Power*, which they are or would be possessed of themselves. And Matters are now in a far *different Case* than when the Statutes of the COLLEGE A^o. 1311 were made, when there were but two COLLEGES founded, and none of their Heads, that I read of, Doctors of Divinity, 'till long after; neither does there any such Heads appear in that unwarrantable Act of the Year 1392, when *Foston* was made *Master*, tho' I never find him called so in the *Bursar's* Rolls, tho' he executed that *Office* about the same Year also: These are but moderate Reasons, but that which I most relie on, is 3dly this, That if the *Convocation* be our true Visitors, (as certainly they are) all that are nominated upon any Occasion to Visit the COLLEGE, are obliged to take an *Oath*, for the just Discharge of that Trust, before they can be admitted to Act in it; which certainly is a greater *Clog* upon their *Consciences*, than can any other way be laid upon them. And
if

if it should be objected against this Reason, that it may be as prejudicial to the Head, to have *Masters of Arts* become his Judges, as for Fellows to have *Heads of Houses* to be such. This is easily answered, that except in that single Case of 1654, which was a *special Case*, the Vice-Chancellor, Doctors, and Proctors usually making *treble* the Number of *Doctors*, joined with the Masters, as will appear almost in all Delegacies of *Convocation* whatsoever. And in the famous one occasioned by Queen *Anne's* visiting the UNIVERSITY A^o. Dⁿⁱ 1702, as far as I remember, there was only two Masters of Arts named (my self as a *Non-Regent*, and Mr. *Ellison* as a *Regent*) amongst the whole Company; tho' in Process of that Dispute, some others were added, that we alone should not undergo the whole *odiu*m, when so many *Townsmen* were to be discommoned for their *Pride* and *Obstinacy*, as will appear by the Register upon that Occasion.

I am further to take Notice, that Mr. *Cockman's* Party threatened the Publishing their Case near five Years ago, but this *Embrio* has laid in the *Womb* almost ever since; and tho' the other Parties Case was published not long after the Election, and has laid unanswered till after this Summer's Trial in *Westminster-Hall*; and that now that it is lately come to its *Birth*, it dares not be trusted Abroad, (save
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in M. S. as I understand it) and that a Copy of it could not be obtained by any of the other Side, tho' never so diligently enquired after.

IF I had ever seen this Case on Mr. *Cockman's* Side, or the Briefs of *either Party*, I might have been able to have given a more particular Answer to what was to be pleaded on either Side: I was indeed promised one by one of them, but it never came to my Hands. And tho' I believe I have writ as much to Mr. *Denison's* Party, as would almost make up this Treatise, yet none of my Letters are returned me, tho' I gave them Notice I intended to publish these Annals; which return would have eased me of a great Deal of Trouble, tho' I believe both Parties are more willing that all Matters should sleep, then the World be acquainted how they have been managed. So that since that Trial, I have heard no more on that Side, save that *Caveats* have been put in by the *Chancellor* of the UNIVERSITY, in both the *Secretarys Offices*, that no further Proceedings be made at Court, 'till the *Convocations* Right may be heard by the King or his Council, or some Thing there lodged to the same Effect.

I shall conclude all with one Point more I have been informed of, *viz.* That there has gone a current Report in *Oxford*, that the UNIVERSITY is more willing to part with
their

their Right and Privilege of Visitors, than to struggle for it: But I cannot believe this to be true, upon two Accounts; 1st, Because all (*Masters and Doctors*) are obliged and sworn to preserve the Statutes, Privileges, and Customs of the UNIVERSITY; and 2dly, Because they have done so in all Ages, to a very high Degree, further almost than can be well *excused* or *justified*. I shall pass by what was done in *Hen.* the 4th's Time, with the bad Issue of it; in which the Archbishop of *Canterbury's* Power to visit the UNIVERSITY of *Oxon*, is confirmed by Act of Parliament, a Copy of which I have by me. Nor to insist much upon a Like Hearing, between Archbishop *Laud* and the two UNIVERSITIES, before King *Charles* the First, where it was acknowledged on both Sides, as the Right and Prerogative of the Crown, to visit the UNIVERSITIES whenever it pleased; and the Archbishop to visit them once, and afterwards, as often as there was urgent Occasion, he having first acquainted his Majesty with it, and had his Approbation thereto; And tho' possibly the whole Hearing may be met with in other Places; Yet I shall here again publish it out of a Copy thereof, given to my Mother's Father, *Francis Layton*, Esq; (at that Time one of the Keepers of the *Jewel House*) by Secretary *Windbank*, and is as follows.

At the Court at Hampton-Court, the 21 of July, 1636.

Present the King's most excellent Majesty, the Lord Archbishop of Canterbury, Lord Keeper, Lord Treasurer, Lord Privy Seal, Lord Duke of Lincolne, Lord Marquis Hamilton, Lord Chamberlain, Earl of Dorset, Earl of Holland, Earl of Morton, Earl of Stirling, Lord Viscount Wentworth, Mr. Treasurer, Mr. Vice-Chamberlain, Mr. Secretary Windebank.

THIS Day his Majesty sitting in Council, was graciously pleased to hear and determine a Difference and Debate, lately risen, between the Lord Archbishop of Canterbury his Grace, and the two UNIVERSITIES of England, concerning the Right of visiting the said UNIVERSITIES Jure Metropolitico in the Presence of the said Lord Archbishop of Canterbury, being also Chancellor of the UNIVERSITY of Oxford, and the Earl of Holland Chancellor of the UNIVERSITY of Cambridge, and of other Persons sent, and authorized by each of the said UNIVERSITIES, and of the Counsel of all the said Parties. In the first Place it was on all Sides

Sides acknowledged to be the undoubted Right of the Crown, to visit the said UNIVERSITIES whenever his Majesty pleaseth, and it was on all Parts confest, that the said Archbishop in Right of his Metropolitcal Church of Canterbury, hath Power to visit his whole Province, in which the said UNIVERSITIES are scituate, and are under the same Power, unless they could shew Privilege and Exemption, which they then offered to shew; But were not such as did or could give Satisfaction. And his Majesty, upon full Hearing of the Proofs on both Sides, and great Considerations had of them, declared, that by no Papal Bull they could be exempted; and likewise, that by none of their Charters they were excused; And lastly, the Omission of the Archbishop to visit since the Visitation shewed to his Majesty, could no Way, in this Case, be a Prescription to bar the Right of the Metropolitcal See; But it appeared to his Majesty, for and in Affirmance of the Right of the Archbishop, that actually both the UNIVERSITIES, had been visited by three of his Predecessors Jure Metropolitico, and not by any Legatine Power; And the Metropolitcal Right coming in Question upon the Resistance of the UNIVERSITY of Oxford, to be visited by the Archbishop; It was upon great Advice, and full Hearing of both Parts adjudged for the Archbishop by his Majesty's Predecessors, King Richard the 2d, and afterwards, upon a like Hearing and Examination,
ad-

adjudged and affirmed by King Henry the 4th, and both their Judgments upon a 3d and full Examination, established by Act of Parliament, 13th of Henry 4th, now shewed by the Archbishop under the great Seal of Henry the 4th; And the Archbishop produced before his Majesty, The original Renunciation of all Privileges from any Pope, by the UNIVERSITY of Cambridge, under the Seal of the Heads of Houses there. Upon which Right so clearly appearing, both by Practice and Resolution of the King and Parliament; his Majesty, with the Advice of his Council, declared and adjudged, that the Right of visiting both the UNIVERSITIES, as UNIVERSITIES, and the Chancellors, Scholars, their Servants, and all others enjoying the Privileges of the said UNIVERSITIES, to belong to the said Archbishop and Metropolitcal Church of Canterbury, by themselves or Commissaries, and that they shall from Time to Time be obedient thereunto.

Whereupon the Archbishop made an humble Motion to his Majesty, first for himself, that he would be graciously pleased, that he might have the Sentence drawn up by the Advice of his Majesty's learned Council, and put under the Broad Seal, to settle all Differences that might hereafter arise; Then on the Behalf of both the UNIVERSITIES, that tho' they were to be visited by that Archbishop and his Successors; yet that they should not be visited by the Bishop of the Diocess,

or Archdeacon of the Place where they are. But then since it was declared his Right to visit Metropolitice, and that it was limited by Law how oft he might visit ; therefore notwithstanding the late Custom of Visitation, semel in vita tantum he might visit the UNIVERSITIES by himself, or his Commissaries, as often as any great emergent Case should move him thereunto ; Provided, that neither he, nor his Successors after him shall visit (after his first Visitation) in such emergent Cause, unless the said Cause be first made known to his Majesty, and his Successors, and approved by him or them. All which was graciously granted by his Majesty, and so settled. And lastly, whereas it was alledged that the Chancellors of either UNIVERSITY were, and are like to be Persons of great Quality, Honour and Eminence, and therefore it might be inconvenient that they should be called to such Visitation ; It was declared by his Majesty, that such Inconvenience would easily be helped, for that in Course of Law, the Chancellor would be allowed to appear by his Proxy.

Y O U see how long this Power had been executed, and how fully settled in the Archbishop's Predecessors, and confirmed by Act of Parliament, and yet you will presently hear how obstinately their pretended Exemption was maintained by the UNIVERSITY against their then Chancellor, as will appear by that
Ac-

Account Mr. *Wood* gives of it; tho' as much as possible he endeavours to conceal it, by placing the Account he gave of it the Year before the Matter was settled, viz. under the Year 1635, p. 341.

*HAC tempestate anceps, nobisq; impendio molestā intervenit controversia, quæ difficilem hanc nobis necessitatem attulit, ut aut erga patronum nostrum ingrati, aut † Matrem Academiam perfidi videremur. Nam Archiepiscopus Cantuariensis, sedi suæ subiectam, ac proinde visitationi obnoxiam Academiam utramque censens, obsequium hac ex parte a nobis deposcebat; sed intercesserant fides Universitati præstita & juramentorum, quibus ad tuenda Privilegia & jura ejus adstricti fuimus, pia Memoria. Infrañti ergo animo restiterunt Togati, nec illi viro cesserunt qui omnia tunc temporis apud Regem potuit, imo (quod longe majus) qui omnia a nobis meruit. Unde licet protracta in annum sequentem lis esset tandem * decimo quarto Junii utring; coram Rege & Sanctiore ejus concilio ad Aulam Regi-*

† Add *Erga*.

* Read *vicesimo primo*.

[These two Errata are in the printed History of Mr. Wood in Latin, which I think better to give Notice of, than correct the Author's Expressions, both the Errata being great ones.]

am Hamptoniensem dicta est; ubi periculum fuerit ne victi descenderemus: Constat tamen nihil nos exinde passos: quin nec Archiepiscopum jus illud sibi deinceps asserendo molestiam nobis creasse. Pariter etiam optandum, quod id juris Archipræsul nemo arripere sibi in posterum velit, quippe non sine maxima Artium liberalium dispendio exercendum.

Quin præteriri non debet egregium illud Constantiæ Oxoniensis documentum; quod cum Registrum Hari nomine insignitum sibi transmittendum juberet Laudus, unde causæ suæ præsidia speraverat, aperte resistimus, atque illi unius libri denegavimus usum, qui mille nobis donasset; adeo potior fidei quam officii ratio, nec in libertatis publicæ invasore Mecænatum Cancellariumve agnovimus.

THERE is so much of unfairness in this Representation, and so many Reflections cast upon an honourable Sufferer, both for the Church and Crown, as will be observed and took Notice of by all that understand Latin; and for those that do not, I am unwilling to expose the Writer or Overseers of this History, to the Censures of such, as are neither Friends to the Church, nor the UNIVERSITIES; But I see no Cause for so highly commending themselves, for defending or claiming such Privileges, as were not their own Right, nor which their Predecessors could any way Maintain:

tain: Most of all that it is here insinuated, that the chief Prelate of the Kingdom, and at that Time their Chancellor also, might not be safely trusted with a Visitatorial Power, to examine the Doctrine, and enquire into the Morals of the two UNIVERSITIES that lay in his own Province, and of whose Predecessors, and of himself, they had so many Years Experience of doing them much good, but no Prejudice; and such Metropolitcal Visitations, if they had been frequenter, might have preserved them from the Power of such Chancellors, (who shall be Nameless) as proved neither Friends to the Church, nor to the Crown, nor State of the Kingdom neither.

I shall close all with an Observation how much a poor COLLEGE has and may suffer by long Delays and infinite Charges, and upon every Occasion be forced to apply to the Court; and yet his Majesty not to receive any Benefit by it, but a great deal of Trouble and Disturbance. So that I verily believe, that tho' the UNIVERSITY had never visited the COLLEGE, as it has now done for upwards of almost 500 Years; yet if a true State of this Controversy were fairly laid before his Majesty, his Majesty would be so just and tender of the UNIVERSITY's Rights and Privileges, that he would be readier to confer on them, what was not their Own, than take
any

any Thing from them, which for so many Centuries they had quietly and uninterruptedly enjoyed. And their Visitors living so near them, never put the COLLEGE to any Penny Charge, except in some solemn Case, when forced to come to the COLLEGE, they were treated with a Glas of Wine at the utmost; for generally they were rather waited upon at their own Lodgings, than necessitated personally to visit the COLLEGE, except some special Occasion required it.

THERE is one Thing more, that I think is not amiss to acquaint my Reader with, before I bid him adieu; and that is a Passage I met with, (the very Week I heard how the Trial went at *Westminster*) in the 180 Epistle of St. *Bernard* to Pope *Innocent* the 2d, not unworthy the Imitation of the best and greatest of Princes, (amongst whom, I think, I may truly reckon King *GEORGE* the IId. one of the Chiefest,) his Words are these, *Hoc solet habere Apostolica sedes ut non pigeat revocare, quod in se deprehenderit fraude elicited, non veritate promeritum; Res plena æquitatis & laude digna, ut de mendacico nemo lucretur apud sanctam & summam sedem.* To this Effect in English, “ It is the Custom of the Apostolic
 “ See, not to be unwilling to revoke, whate-
 “ ver it found obtained by Fraud, and not
 “ deserved by Verity; for it is a Thing of
 “ Justice,

“ Justice, and worthy of Praise, that none at
“ the holy and chiefest Seat, should any way
“ become a Gainer by the Lyes reported to
“ it.



F I N I S.

The Latin Errata.

PAGE vi. l. 4. r. *duraverint*. p. viii. l. 11. r. *Rossii*. p. x. l. 6. *novisse*.
 p. 64. l. 20. r. *Turre*. p. 120. l. 22. r. *Joh'es*. p. 121. l. 2. r. *Tofta*.
 ibid. l. 31. r. *imbrigari*. p. 122. l. 15. r. *Curie*. p. 141. l. 9. r. *preterea*.
 p. 158. l. 20. r. *meam*. p. 159. l. 14. r. *Academiarum*. p. 160. l. 14. r.
Universali. ib. l. 16. r. *Universale*. p. 165. l. 7. r. *Mecenas*. p. 170 l. 1.
 r. *Marton*. p. 178. l. 23. r. *dotasse*. p. 179. l. 13. r. *Wodianum*. p. 264.
 l. 7. r. *salus*. ib. l. 24. r. *valeturis*. p. 281. l. 5. r. *omne*. ib. l. 15. r. *lis*.
 p. 278. l. 10. add &. ib. l. 20. add, *tam quia fuit Cancellarius*. p. 283.
 l. 8. r. *Diaconatus*. p. 285. l. 3. add *nondum*. p. 287. l. 11. r. *Vicecancel-*
larium. p. 291. l. 19. r. *Ecclesiasticum*. p. 292. l. 1. r. *reliquis*. p. 298.
 l. 24. r. *Academiis*. p. 299. l. 1. *sustentandos*.

The English Errata.

PAGE xx. l. 12. r. *Hands*. ib. l. 20. r. *either of*. p. xxi. l. 3. add
Newcastle upon Tyne. ib. l. 22. r. *Copies*. p. xxviii. l. 5. add (I)
 p. 4. l. 5. r. *other Places*. p. 22. l. 17. put the (;) after *them*. p. 24. l.
 9. r. *Sustenance*. p. 33 l. 17. r. *extant*. p. 38. l. 30. dele *be*. p. 48. l. 14.
 r. *Doctors*. ib. l. 29. for *Decrees* r. *Decretum*. p. 55. l. 18. r. *those*. p.
 59. l. 25. r. *Kybold*. p. 61. l. 14. r. *at least in Part*. p. 64. l. 11. for *by*
 r. *from*. p. 84. l. 5. put the (,) at *Rents*. p. 86. l. 8. r. (II) p. 89. l. 1. for
 by r. *of*. ib. l. 12. for *fourth* r. *South*. p. 89. l. 20. r. *and then*. ib. l. 25.
 r. *Colleges*. p. 93. l. 8. r. *Mahu*. p. 97. l. 7. r. *obligeth*. p. 113. l. 4. dele
rather. ib. l. 25. r. *the*. p. 119. l. 13. dele *does grant*. p. 20. l. 1. r. 1245.
 p. 124. l. 19. r. *about*, and dele *which begun*. p. 127. at the Top of the
 Page add, *The French Petition in English*. p. 136. l. 31. dele *at last*. p.
 137. l. 2. r. *Galls*. p. 146. l. 3. r. *exercising*. p. 150. l. 21. r. *as a true one*.
 p. 154. l. 11. for *out-rented* r. *ancient*. p. 157. l. 7. r. *feign*. p. 161. l. 8.
 for *dearth* r. *dart*. p. 176. l. 4. r. *M. S. S.* p. 177. l. 15. r. *and eminent*. p.
 179. l. 14. after *Author*, add *Dr. Ayliffe*. p. 184. l. 7. r. *here and in all*
 p. 189 l. 13. *Places*. ib. l. r. *Charlet*. ib. l. 26. r. *Chancellors*. ib. l. 31. r. *or*. p. 186.
 l. 14. read for. p. 204. l. 8. r. *or Book Monks*. p. 205. l. 25. r. *Hands*.
 p. 206. l. 10. dele *in*. p. 209. l. 6. r. *destroyed*. p. 210. l. 23. r. *Rights*. p.
 211. l. 16. r. *finds*. p. 213. l. 11. r. *Counsel*. p. 215. l. 12. r. *Practice*. p.
 226. l. 30. r. *Countesses*. p. 263. l. 29. dele *both*. p. 272. l. 25. r. *only lye*.
 p. 288. l. 28. r. *do*. p. 290. l. 12. r. *come*. p. 292. l. 26. r. *Rectory*. ib. l.
 adjoining. p. 294. l. 14. r. *this*. p. 296. l. 6. r. *Visitors*. p. 303. l. 1. r.
Neece. p. 307. l. 6. r. *Dispensations*. p. 321. l. 29. r. 1724. p. 328. l. 23.
 dele (;) p. 335. l. 12. r. *defalked*. p. 336. l. 12. r. *additional Fine*. p.
 338. l. 22. dele *and*. p. 340. l. 1. r. *and whether*. p. 341. l. 19. r. *Popes*.
 for *hear*. ib. l. dele the (,) at *Onuphius*. p. 346. l. 11. for *their* r. *the*.

there. p. 361. l. 26. r. *foregoing* p. 362. l. 26. r. *Acts*. p. 367. l. 35. p. 38.
 dele &. p. 369. l. 2. r. *quadrupartite* p. 370. l. 29. for *thirty three*
twenty five. p. 372. l. 2. for *came*. r. *Come*. p. 379. l. 24. r. *more scarce*



A
S U P P L E M E N T
T O T H E
P R E F A C E.

HAVING closed my Preface with an Intimation, that I had some Passages more that I wished might have been added to it ; I will now intreat the Reader to peruse what I then only hinted at, and are these Things following ; *viz.* my Answer to three or four Enquiries, which I conceive most Persons would be ready to make of me ; with some other Additions which at that Time I was not fully prepared for.

The Enquiries are these ; first, Why I sent Part of this Treatise to the Press before I could finish or re-review the whole ? To which I answer, that the Nature of the Subject required that it should be published with all possible Speed, that if I could not finish the whole, yet Part of it might be published, when otherwise the whole might come too late to do any Service to that Cause for whose sake it was written.

A second Question might be, Why I did not quote the Books and Pages where all the Evidences alledged might be met with and found ; and though I have given a Reason in some part of the following Treatise, yet I shall add here, that I was in such an *hurry* when I left the College, that though I drew up

an Index of the Boxes and Drawers wherein all the Deeds and Charters were disposed of in the College Treasury, and left them upon the Table there; yet I had not Time to enter them in my own Collections and therefore could not possibly note where they were: And then for those in the School's Tower, I had not always expressly observed the Page, and where I had noted them, I wanted Types to express the Characters by which Mr. *Twine* had intitled his Volumes; and to quot the Places or Pages in my own Collections had been to no Use but my own, which was a great Oversight; and both these Failures might have been avoided, had I had Time and Leasure to provide against it; and yet to amend this as far as I can, I will inform the Reader how he may find or enquire after the Quotations taken out of Mr. *Twine's* MSS. which are these that follow, all I think placed in the uppermost Shelf of the North Corner of the School's Tower. The two first Volumes are in Folio, and the other three in Quarto. The Character of the first Volume is A the second o, the third x, the fourth is divided into two Parts, the first marked Q, the second x, the Character of the fifth Volume is @. These are all the MSS. of Mr. *Twine* which I have quoted in this Treatise. But beside these five Volumes which are Collections out of other Authors, there are five other Folio Books with distinct Marks to them, and as many without Marks of his own composing; chiefly concerning the Rights of the University under several Heads or Titles; so far is Mr. *Wood* from telling the Truth when he says, there were some sold, and others burnt, or lost in a Fire at *Oxford*. I think there are no other MS. Volumes in the School's Tower, besides the University Registers of Convocation and Congregation, and the Acts of the Chancellor's Court, and the three Volumes of Statutes; at least these are the chief. I had again almost forgot

got Mr. *Winsor's* M.S. which is in a lesser Quarto than any of Mr. *Twine's* MSS.

A third Question that may be asked is, Why I have discovered the Secrets of the College, which is prohibited by the Statutes I have now published: Which though at first it may seem a great Fault, may be laid at other Mens Doors and not my own, the present Dissentions in the College having made one Part or other discover them, both before His Majesty's Commissioners, and likewise in *Westminster-Hall*; but if this had not been done, yet I could not write the true History of the College without producing them, to refute the many Forgeries that were falsely quoted out of them, and are not to be found in them.

A fourth Enquiry, though of less Moment, may be, Why, amongst the *Latin* Authors that have writ on this Subject, I have quite omitted Mr. *Winsor's* MSS? To which I might reply, that Mr. *Wood* had given such a Character of them in his *Athenæ Oxon.* Page 416, as if they were not worth consulting; but this was not my Reason, but that I had really forgot them: But now I will amend the Fault, and shew what Places both Mr. *Twine* and Mr. *Wood* have made Use of, and borrowed from those MSS. by my quoting some Places out of them; for Mr. *Winsor* was as zealous an Asserter of K. *Alfred's* founding University-College, as either of the other, as will appear by what follows, and that in several Places often repeated by him; for he has written that King's Life over and over, with some few or small Alterations, bound up into one Volume by Mr. *Twine*, who gave all his own MSS. as I find he intended by what he has mentioned in some Places of them, and also this of Mr. *Winsor* to the University. The first Quotation I shall make out of Mr. *Winsor's* Notes, is to be found in Page 180. *Memorandum quod circa annum Domini 1280, venerabilis*
 B b 2

an Index of the Boxes and Drawers wherein all the Deeds and Charters were disposed of in the College Treasury, and left them upon the Table there; yet I had not Time to enter them in my own Collections and therefore could not possibly note where they were: And then for those in the School's Tower, I had not always expressly observed the Page, and where I had noted them, I wanted Types to express the Characters by which Mr. *Twine* had intitled his Volumes; and to quot the Places or Pages in my own Collections had been to no Use but my own, which was a great Oversight; and both these Failures might have been avoided, had I had Time and Leasure to provide against it; and yet to amend this as far as I can, I will inform the Reader how he may find or enquire after the Quotations taken out of Mr. *Twine's* MSS. which are these that follow, all I think placed in the uppermost Shelf of the North Corner of the School's Tower. The two first Volumes are in Folio, and the other three in Quarto. The Character of the first Volume is $\bar{A}$ the second θ , the third γ , the fourth is divided into two Parts, the first marked Ω , the second δ , the Character of the fifth Volume is $\odot$. These are all the MSS. of Mr. *Twine* which I have quoted in this Treatise. But beside these five Volumes which are Collections out of other Authors, there are five other Folio Books with distinct Marks to them, and as many without Marks of his own composing; chiefly concerning the Rights of the University under several Heads or Titles; so far is Mr. *Wood* from telling the Truth when he says, there were some sold, and others burnt, or lost in a Fire at *Oxford*. I think there are no other MS. Volumes in the School's Tower, besides the University Registers of Convocation and Congregation, and the Acts of the Chancellor's Court, and the three Volumes of Statutes; at least these are the chief. I had again almost forgot

got Mr. *Winsor's* M.S. which is in a lesser Quarto than any of Mr. *Twine's* MSS.

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 B b 2

bilis & devotus vir Mr. Willielmus de Dunelm, Archidiaconus Dunelm, qui eo quod indotavit collegium possessionibus nominatus est fundator in testamento suo; hæc ex collegii archivis altius reconditis & studiose signatis. Constat donatio in archivis universitatis regis Henrici 3^{ti} 4^{to}, inter magistrum Loudovicum de Chapernay, S. Theologiae doctorem universitatis Oxon. cancellarium doctores & procuratores, & magistrum Rogerum Cawdwell aulæ magnæ universitatis custodem & scholares ejusdem, de octo messuagiis & gardinis, &c. I need not shew the Falsehoods and Absurdities here quoted, and how repugnant one part is to the other; but I will give his Excuse for what is here said and repeated Page 159, in the Words following; † *Vulgata & frequens erat veteribus illa locutio circa annum 800 si 900 non attigissent ne longius errarent, & ne incerta pro certis ponerentur:* But this Answer is not thought worthy to be quoted by the two Authors afore-mentioned.

In Page the 22 he seems to give this Quotation out of *Matt. Paris*, but under a false Year, (*An. 1232.*) *Gravi ortâ inter studiosos & cives parisienses discordiâ, tria millia parisiensium Oxoniam confugere: omnes pene ut meminit Paulus Æmelius delapsi sunt; inde schola parisiensis Oxoniæ, tantâ ea tempestate confluyente tam ex Gallia quam aliunde multitudine, ut triginta numerabantur ab Armacano scholarium millia Oxoniæ.* This last Passage is quoted by Mr. Wood in his *historia Oxon.* p. 83. but not at length, as here related. But it is Time for me to dismiss this Author, and take Occasion from these Words to quote another Passage out of Mr. Twine's fourth Volume, or Page 16. *Ex chronico fratris Willielmi Rythagori MS. relating to this Subject.*

Dominus rex per Wallingfort dietas suas perficiendo Oxoniam pervenit, universitatem Cleri ad tempus expulit, suspicans quod exercitui suo fraudem machinarentur, si forte supervenirent Barones, qui corda cleri admo-

† This refers to the Memorand mention'd in the Annals p. 304. &c.
dum

dum habebant propitia. Erat enim clericorum numerus quorum nomina scripta fuerunt in matriculis rectorum excedens quindecim millia, multis fide dignis hoc referentibus. Rex facta solenni processione, eleemosynis etiam pauperibus abundanter erogatis, sanctam Frideswidam virginem infra muros civitatis adiit personaliter & devote, quod nullus regum Angliæ ante ipsum in persona propria ausus fuit, &c.

By the King's visiting St. *Frideswid*, it appears this happened in the beginning of the Year 1264, from whence we may gather that in the University betwixt the Years 1208 and 1264, the number of Students were increased from 3000 to 15000, which may make it more credible, that before the End of King *Edward I.*'s Reign, (a far more prosperous Monarch than his Father) their number might, as *Armachanus* reports, arise to about thirty thousand. The Misgovernment of *Henry III* guided by his *French* Relations, made both Clergy and Laity disgusted with his Actions, and alienated them from him, whether because his Mutability was not to be relied on, or the great Deference he paid to the Exactions of the Pope, (so much complained on by *Matt. Paris*) was the real Cause I know not; but I find that in the Year 1257, he sent a Charter to *Oxford* to the Clergy there to submit to, and be governed by his Counsellours, but if the *Oxford* Constitutions were now made that Year, all or most of our Historians are mistaken, who place them under the Year 1258. The Letters Patents in a Language between *Saxon* and old *English*, I find translated as follows: in ^o 275.

“ *Henry*, by God's Bounty, King of *England*, &c.
 “ sends greeting to all his whole Clergy, and every
 “ other in *Oxfordshire*, that witt ye well that we
 “ will and command, that all our Counsellours,
 “ and the more part of them, that are chosen by
 “ us, our Leige People, and our Kindred, hath and
 “ shall

“ shall do in the Worship of God, and our Truth,
 “ for the Weal of the Land, throw the Oversight
 “ of them ; to the foresaid Counsellours, be sted-
 “ fast and permanent in all Things for ever. And
 “ we put all our Faith and Trust, that they use and
 “ stedfastly hold, and have sworn to hold, those
 “ Judgements that be made by the foresaid Coun-
 “ sellours, and the most part of them, as afore said ;
 “ And that every Man help and aid every one of
 “ them against all Men, to do right, and to hold, and
 “ none of my Land or elsewhere, after this Befight,
 “ do them let or resist in any wise. And if any Man
 “ come to say here against, we will and command,
 “ that all our Leige People take them as our deadly
 “ Foes. And for that we will that this be stedfast
 “ and permanent, we send you this Writ open,
 “ sealed with our Seal, to be kept amongst you
 “ in Store. Witness Our self at *London*, the eigh-
 “ teen Day of *October*, in the two and fortieth Year
 “ of our Crown. And this was done in the Pre-
 “ sence of Our sworn Counsellours, *Boniface Arch-*
 “ bishop of *Canterbury*, *Walter Cantolupe* Bishop of
 “ *Worcester*, *Simon* of *Mountfort* Earl of *Leycester*,
 “ *Richard* of *Clare* Earl of *Glocester* and *Hertford*,
 “ *Roger* Earl of *Norfolk* and Marshal of *England*,
 “ *Peter* of *Savoy*, *William de fortibus* Earl of *Al-*
 “ *bemarle*, *John de Plessetis* Earl of *Warwick*, *John*
 “ the Son of *Jeffry*, *Peter* of *Monfort*, *Richard* of *Gray*,
 “ *Roger Mortemer*, *James* of *Aldethel* and *Alferon*
 “ *Meza* ”.

I shall next take Notice of some Things omitted
 by me, which I could not meet with whilst I was
 writing the foregoing Annals : And one of the first
 was this, That having informed Mr. *Denison*'s Party
 of some printed Papers, which I knew not how to
 produce when called upon, I at last found them to
 be in Pix ^a or *Alpha* in the North Corner of the
 School's Tower, drawn up, I suppose, in the Year

1657,

1657, the first contains a Draught of an Act of Parliament, for appointing Visitors for the Colleges of *Oxford*, beginning with the Lord Protector and his Successors for Christ's Church, *Nathaniel Fines* Lord Commissioner of the Great Seal, and Successors for Visitors of *New College*, and other Officers of State for all the other Colleges, except *University College*, which alone is left out. In a second printed Paper addressed to the Parliament, acquainting them, that they desired the Visitors a long Time before appointed for the whole University, might have their Power revoked, and Visitors appointed for every College, setting out who were appointed for each of them by their Founders, and when they come to *University-College*, they say, *The whole Body of Convocation*: But I fear this, with eight Instances, four of making Statutes, and as many of received Appeals to them from what had been done by the Chancellor, Doctors, and Proctors, was not so much as once mentioned in *Westminster-Hall*, as I gather from the Advice given to His late Majesty by his two Commissioners, implying, that it was only a considerable Party of the University, but not the whole, that laid Claim to be Visitors, as I have already observed in the 314 Page of this Treatise.

Another Matter I should have took Notice of if I had met with it soon enough, was the great Favour and Kindness that King *Edward* the II. and the III. and *Henry* the IV. &c. showed to the University above other Men, in making them pay nothing for their Charters; the Account of which I find in a Volume of Charters, belonging to *Fountains-Abbey*, now lodged in *University-College Library*, Folio 8. b §. which for the Benefit of vulgar & Readers I shall translate into *English*.

“ *Edward*, by the Grace of God, &c. to all to whom
 “ these Present Letters shall come Greeting. Know
 “ that for the Remission of lxxxvi *l.* and xxi *d.* which
 “ the Abbot and Convent of *Fountains* have made
 “ to us, and which we are indebted to them for
 “ Corn and other Victuals bought for our Use, and
 “ for a Fine of 40 *l.* paid into our Gardrobe: We have
 “ granted and give License for us and our Heirs, as
 “ far as lies in us, to the said Abbot and Convent,
 “ that they may receive Lands and Tenements, to
 “ the yearly Value of 20 *l.* *per Annum* of their own
 “ Fee, or any others, except Lands and Tenements
 “ held of us in *Capite*; to have and to hold, to
 “ them and their Successors for ever, notwithstanding
 “ the Statute of *Mortmain*: Provided there be an
 “ Inquisition in due Form made, and into our Chan-
 “ cery, or our Heirs, rightly returned and found, that
 “ it may be done without any Prejudice to us or
 “ any others—Witness our self at *York*, the 23^{d.} of
 “ *February*, in the 5th Year of our Reign” (which
 falls in with the Year 1311).

Another Thing over looked, was to answer an Ob-
 jection made in *Westminster-Hall*, as I am inform’d
 against Mr. *Denison*’s Party, that the Name of the
 University of *Oxford* was not rightly mentioned,
 being called by a Title not used before the Reign of
 Queen *Elizabeth*. I must acknowledge I am igno-
 rant of the Nature of this Objection; but that the
 University had Grants made to them under the Ti-
 tle of Chancellor, Masters and Scholars, long before
 that Time, may be proved both by ancient and la-
 ter Deeds and Charters: For in a Latin Deed from
 the Prior and Brethren of the Hospital of *Blackly*,
 they grant, give and confirm, *Cancellario Magistris &*
Scholaribus Oxon qui pro tempore fuerint domum nostram
angularem in villa Oxon; this Deed as appears by a
 Letter of Attorney, to give Possession, was dated on
Thursday after the 24th of *June*, An.Dom. MCC. quinquage-
 gesimo

gesimo tertio; the Year being given in the very form I now write it in: The later one is in a *Quadrupartite* Deed of *Hen. VII.* dated in the 20th of his Reign, in order to convey Ten Pounds *per Annum* to the University, payable by the Abbot and Convent of *Westminster*, to the Chancellor, Masters, and Scholars of the University of *Oxon*: This is an *English* Deed, and very remarkable upon fundry Accounts, the Abbot being to forfeit 20 *l.* for Non Payment of 10 *l.* at the Day appointed, and the University to forfeit 20 *l.* yearly to the Mayor and Commonalty of *London*, for not performing Covenants. Now the Charter it self contains above 30 Pages, and is all writ in the middle of the Book, eight Parts in nine being left vacant, bound in blew Velvet, and imbossed with Silver on the four Corners, and may be met with in *Pix I. N^o. 10.* in the Schools Tower at *Oxford*, and this 10 *l.* was paid the University by Queen *Elizabeth*, King *James*, and I think till the End of King *Charles II.* but I almost conceive that it is scarce continued to them of late Years. *Sed de hoc quere?*

I have in what is already printed, shewed how little Mr. *Twine* is to be trusted, in what I believe he received from other Hands; but I have lately discovered he is no more to be relied on when he delivers his own Sentiments; for in a Discourse he has made concerning the Antiquity of *Oxford* above that of *Cambridge*, wrote for my Lord *Dorset*, An. 1628. these Words are to be met with in, *Cod. A. Fol. 155.*

“ Thus we argue, *Benet* College or *Peterhouse* in
 “ *Cambridge*, was not founded before the Year of our
 “ Lord 1287. as all the Historians do testify, but
 “ University College in *Oxford* was founded by King
 “ *Alfred*, about the Year of our Lord 800. as we all
 “ know, and shall be thoroughly proved by general
 “ Consent of Authors, and afterwards restored and
 “ endowed with Lands by *William* Archdeacon
 of

“ of *Durham*, in the Year of our Lord 1219. as it
 “ appeareth by his Testament and Orders made for
 “ that College: *Bayliol* College in *Oxford* was found-
 “ ed An. 1274. and *Merton* College in the Year 1276.
 “ whose Statutes also were taken for a Patern for the
 “ said *Benet* College, therefore a *primo ad ultimum*,
 “ it must needs be inferred, that *Oxford* is the an-
 “ tientest”.

I may truly say that a *primo ad ultimum*, there is not one excusable Line in this Paragraph, for first he confounds *Benet* and *Peterhouse*, as if both were the same College, nor gives he a true Account of the Foundation of any of the Three Colleges in *Oxford*, (as Mr. *Wood* will inform you) and if Mr. *Twine* would be ruled by his own Collections, he is equally mistaken in the Time he gives to the founding of *Peterhouse*, for in his M. S. whose Character is, A. p. 461, 462. he has exscribed three several Charters, one of *Hugh Balsham*, Bishop of *Ely*, their Founder, and two other Charters, to and from the Hospital of St. *John's*, by which it appears that *Peterhouse* was founded and settled as one Deed says, *pridie Calen. Apr.* and the others, 2 *Calen. Aprilis*, and all of them An. Dom. 1284. with a 4th *inspeximus* of 13 *Edw. I.* in *Cod. 8.* p. 136. which falls in the Year 1284, or 1285, at farthest.

I have before shewn, that *Walter* of *Merton*, who fully settled his College of that Name about Thirty-^{r. XXV} ~~Three~~ Years after the Legacy given to the University by *William* of *Durham* to buy Lands to maintain 10, 11, or 12 Masters of Arts in *Oxford*, did allot to each of his Schollars or Fellows for their Salaries or yearly Maintenance Fifty Shillings, and that the University shortly after made the same Allowances to their Masters of Art also; and from thence having endeavoured to prove that 50 s. at that Time was a sufficient Income to maintain a Student at *Oxford* in those Days, when Money was scarcer and yet Coins whether Pounds

Pounds Shillings or Pence three Times the Weight they have for a long Time been reduced to, and that as much might be bought for One Shilling then, as for Ten or more now ; as I proved from the Rates that Wheat bore in *Hen. III*d. and *Edw. the Ist*'s. Reign, which was but Four Shillings *per Quarter*, and now at *Oxford* is seldom under Forty Shillings a Quarter. I have since taken Occasion to consider some Arguments that may be brought both against the right reverend Author of the *Chronicon preciosum*, as well as my self, for making first false Computations, and then drawing as false Conclusions from them : He allowing Five Shillings to have been as good in *Henry the VI*th's Time, as Thirty Shillings in these Days of ours, as I have allowed Four Shillings in *Edw. the Ist*'s Time, to be equal to Forty Shillings in our Age also. But when I came to examine the Matter more fully, I found that though my Reckoning might be fully explained and defended, yet his can scarce be so easily reconciled ; for Four Shillings at the Time I make my Computation did weigh Twelve Shillings of our Modern Money ; but in the Year, 1444, and 1445. Wheat was but Four Shillings Four Pence, and Four Shillings and Six-pence, and in the Year 1445. but One Shilling and Two-pence, but supposing these several Sums one with another, be computed at Four Shillings, those Four Shillings then was at most but Eight Shillings weight of our present Money ; and in *Henry VIII*th's Time when a *Troy* Pound was coined at Forty Eight Shillings was but in Weight about Five Shillings of our Money ; from all which I gather, that from *Edw. the III*d's Time to *Hen. the VIII*th's Time, Money grew scarcer and scarcer, and so scarce at the last when coined at Sixty Shillings to the *Troy* Pound, Four Shillings then weighed no more than Four Shillings now. And tho' this will not be easily believed, yet it is most certainly

tainly true, not as I have just reckoned, yet so as I must come something near it, and that the overflow of Money came not in till the *West Indies* were discovered, and then the Prices of all Things rose proportionably, and have been much at a Stand ever since, making Allowances for Years of Dearth, and Years of Plenty.

By what has been afore related, it appears that Fifty Shillings was undoubtedly as much worth, and would go as far at the Time of founding *Merton College*, as Twenty Five Pounds, now or any Time since *James* the 1st. Upon this Occasion I might repeat what I have observed before, Page 33. of these Annals, where the highest Fellowships in *Oxford* in 1534, or 1535. did not exceed Six Pound Thirteen Shillings and Four Pence, nor the lowest Fall under Three Pounds, and that was in *Brazen-Nose College*; at which Time *New College* Fellowships were but rated at Three Pounds Nine Shillings and Four Pence, nor any of *Magdalen* Fellowships (except two for *Yorkshire*, that were obliged to go and Preach in the Countries abroad) above Three Pounds Fifteen Shillings and Four Pence, as may be found in Mr. *Twine's* M. S. whose Character is $\propto$ p. 813. Now it must be observed, that *Brazen-Nose* was founded when Money was lower than formerly, and Four Shillings was then not more in Weight than about Six Shillings of our Money now, nor would their whole Salary in Weight have amounted to more then Four Pounds Ten Shillings, so that it was the Act of the 18th of *Eliz.* Chap. vi. that turned the third Part of the Colleges Money Rents into Corn Rents; so that for every Pound (in Three or Ten or Thirty) if changed into Wheat Rent after Six Shillings and Eight-pence *per* Quarter, amounts usually when Wheat is at Five Shillings *per* Bushel to Six Pounds; when into Malt at Five Shillings the Quarter, Four Quarters usually arise to Four Pounds, but when very dear in some Years, almost to double these Prices. But

But that Act aforementioned is restrained only to Estates out of which arise Tythes, or are arable Meadow or Pasture, but therefore reaches not Houses, which was the Reason that I have said, that the laying out of *William of Durham's* Money in Houses in *Oxford*, was both first and last a very great Loss to the College, the Rent first falling to a Third, Fourth, Fifth or Sixth Part of what they were before, and then no Way raisable by this Corn Act, nor being let as they now are by Leases of Forty Years, they are never likely to run out, and usually renew not oftner then once in Fourteen Years or thereabouts.

I had forgotten almost to give my Opinion, how it came to pass that Money was more plentiful in *Hen. III.* *Edw. I.* *Edw. II.*'s Time, before *Edw. the III.*'s Time, than ever after, and the Reason I conceive was this, that *Richard* Earl of *Cornwal* wrought all the Mines there, and in *Devonshire*, and made himself extreamly rich; when the King his Brother was poor, and he able to purchase the Electors Voices for the Empire, though afterward they flew off or stood not by him: The like did *Edw. I.* as you may find at the End of his Life in *Hollinshead*, and what Sums of Money he received out of them, and *Edw. III.* wrought them in *Devonshire* as well as in *Cornwal*, and employed at first as we may gather from the same Author above a Thousand Miners: But the Wars and extraordinary Plagues that several Times happened during his Reign, and which carried away a vast number of People, made Mens Wages rise, so that where Men wrought for One Penny a Day, and might dig as much Silver as was worth Two-pence, the King might gain by working the Mines; but after that there was little or nothing got by them, he rented them out to those that would take them for a tenth part of the Product, which its like by Degrees came at last to nothing. And as there was no Access

cels of new Money, the old was much wasted in Plate gilding and the like Ways of consuming it.

I have before took Notice how much the Kings of *England* were more kind to Colleges than some of the Abbys, in granting them *Mortmains* gratis, and concerning Money Matters borrowed much from the ancient Allowances to the Fellows of *University*, *Merton*, and other Colleges in *Oxford*; but omitted *Durham* College there, because it chiefly consisted of Monks, and therefore was suppressed with the Abbys. Now concerning this College, I observe that about the Year 1277, or 1278, the Friars growing famous for their Learning, the *Benedictine* Monks (of which Order were most of the ancient Abbys in *England*) began to think of sending their Monks to study at *Oxford*, where the poor Orders of begging Friars had got themselves Convents sometime settled; and therefore in a Convention of that Order, they resolved to raise Two-pence out of every Mark, to build an House for themselves in *Oxford*, and One-penny *per Annum* every Year after: But Archbishop *Peckham*, who was a Friar, not approving of their Design for his Orders Sake, by a Letter dated 16th *Calends* of *October* 1280, forbids them going on with this Agreement, under the Penalty of excommunicating, those that should yield to pay this Tax; so that the *Benedictines* were forced to proceed in another Method, and first Appeal to the Pope, who sent *Delegates* into *England* to hear the Cause; but the Prelates and Nobles in *England* at that Time appeared against the Monks, so that they durst not go on and prosecute their Appeal, though this Project had been set on Foot when the Abbots of *Glastonbury*, and *St. Augustine* near *Canterbury* were Presidents of the Convention that proposed it, An. 1277. so much greater Interest had the poor Friars than the rich Monks in the Age we speak of: This Letter of Archbishop *Peckham* may be found in Mr. *Twine's* M. S. *Q* p. 166. and in *Cod.* *D* p. 272. But

But not long after the Prior and Convent of *Durham* obtained from King *Edw. I.* a Licence of *Mortmain*, for receiving from Three several Persons Five Acres and a half, and divers Totts from others, dated 20 Jan. 19 *Edw. I.* concurrent with the Year 1290. this was for the Site of the College; and about the same Time the like was obtained for *Gloucester-Hall*, but the Monks still were to be maintained by those that sent them hither: But about the Year 1380. *Thomas Hatfield*, Bishop of *Durham*, endowed *Durham College*, with a Revenue of 200 Marks *per Annum* for Eight Monks and Eight Secular Scholars, the first were allowed Ten Pounds each, the latter 5 Marks each, so that the Monks were allowed three Times as much as the Seculars, and the Seculars at least a Mark more than the Founders allotted to the Fellows of any College in *Oxford*, none at that Time excepted; from whence we may learn how much greater Expence it cost the Founders to build and endow Abbys than Colleges.

I find by an Epistle writ to Bishop *Hatfield*, who was about buying Lands or Churches for the Endowment of that College; that in the *Schisme* about the Popedome at that Time it would be hard to get Churches impropriated or a *Mortmain* from the King; And that without Licence either from the Pope or the Crown, Lands or Houses might be purchased at *London*, by the Privilege of the City, for the Price of a Thousand Marks, an Hundred Marks Rent *per Annum*; this was about the Year 1278, or 1279. which shews that Lands or Rents were at that Time sold at Ten Years Purchase, and proves that Money at that Time began to be scarcer in the Nation, and as I said before every Day[†] scarce more till toward the end of *Hen. the VIIIth's* Reign. † more scarce

And

And now having had occasion to say thus much concerning the Weight and Values of *English* Coins in former Times, I should probably if I had had Room, have entred a good deal further into that Subject, and perhaps have made some Observations concerning the *Rem Nummariam* in general, in which Study I have been particularly conversant for several Years together; and have at the Expence of much Time and Labour made a very large Collection of Materials for a Treatise on that Head, which when properly methodized by my own or some younger Hand, may possibly one Time or other venture abroad into the World: But being unwilling that this Supplement should exceed the Bounds of one Sheet, I will now once more take Leave of my Reader, and shall conclude with this Remark; that whereas His Majesty in his great Wisdom has referred Mr. Cockman's Petition to two proper Persons, directing them to examine the Allegations thereof, and to consider the same; I will venture to foretel without the Gift of Prophecy, that the Allegations on neither Side of the Question when rightly examined will be found true; it being as impossible for one Side to shew that ever a Master of *University-College* was admitted by any Fellow till his Election was approved by the Vice-Chancellour, Doctors and Proctors; as it is for the other Side to prove that those last named Persons are the true and absolute Visitors of that College, or any more than a standing Delegacy, from whose Judgement Appeals may and frequently have been made to the *Convocation*.

Dat. April 15.

1728.

F I N I S.

Smith, William

The Annals of University-College, proving William of Durham the true
founder, and answering all their arguments who ascribe it to King Alfred

Newcastle upon Tyne 1728

H.lit.p. 352 o

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